

THE TEACHERS COLLEGE JOURNAL

Volume IX

March, 1938

Number 4

Indiana School Law

Foreword

The materials for this article were prepared by the students of Indiana State Teachers College listed below as a project in the course in Indiana School Law—Education 584. The group submitting materials included: Leland Brown, Geneva

Fortune, Ordesta N. Hays, Geraldine F. Jones, Lois M. Keasbey, Herschel L. Moss, Earl P. Murphy, Sister Leontina Geraghty, and Herbert W. Wey. The materials were edited by E. E. Ramsey, head of the department of education.

I

General Statistics of the Public School System of Indiana of 1934-1935

1. *Ques.* How many pupils were enrolled in the public schools of Indiana?

Ans. The numbers enrolled are given below:

| | Cities and Towns | Town- ships | Total |
|--|---------------------|----------------|---------|
| Grades 1-8 | 264,377 | 240,376 | 504,753 |
| Grades 9-12 | 113,917 | 59,930 | 173,847 |
| Kindergarten | 10,767 | ----- | 10,767 |
| Ungraded, others, and post graduate | 5,061 | ----- | 5,061 |
| Total | 394,122 | 300,306 | 694,428 |

2. *Ques.* Of the 694,428 pupils in the general enrollment, how many were colored pupils?

Ans. There were 23,164 colored pupils.

3. *Ques.* How many pupils were enrolled in parochial schools?

Ans. Of the total enrollment of 58,454 in the parochial schools, 52,940 were in the elementary grades.

4. *Ques.* How many pupils completed the work in the public schools?

Ans. The number of high school graduates was 30,795; the number of pupils completing the eighth grade was 50,761.

5. *Ques.* How many teachers and other employees were there in the public schools in 1934-1935?

Ans. The table on the next page shows the personnel.

6. *Ques.* How many of the 22,293 teachers were men and how many were women?

Ans. There were 6,934 men and 15,359 women.

7. *Ques.* How many teachers were beginning teachers?

Ans. There were 1,162 beginning teachers, 789 of whom were in the townships.

8. *Ques.* How do the salaries of the township teachers compare with the salaries of the city and town teachers?

Ans. The differences are shown in the table below:

| | Cities and Towns | Town- ships | Entire State |
|-----------------------------|---------------------|----------------|-----------------|
| Lower limit | \$ 800.00 | \$ 800.00 | \$ 800.00 |
| 25th percentile | 1,091.45 | 800.00 | 863.08 |
| Median (50th percentile) | 1,355.63 | 987.09 | 1,089.62 |
| 75th percentile | 1,689.11 | 1,073.63 | 1,449.33 |
| Upper limit | 4,500.00 | 2,500.00 | 4,500.00 |

9. *Ques.* How many schools were in the state?

Ans. There were 3,717 schools in existence in the state during the year 1934-1935. Only 160 of these were first class commissioned schools.

10. *Ques.* What was the total current expenditure for the school year 1934-1935?

Ans. The total expenditure was \$42,885,-898.31.

11. *Ques.* What was the gross total expenditure?

Ans. The capital outlay, interest, trans-

PUBLIC SCHOOL SYSTEM PERSONNEL, 1934-1935*

| | Cities and Towns | | Townships | | | | Entire State | | | | | |
|---|------------------|-------|-----------|-------|-------|--------|--------------|--------|--------|--|--|--|
| I. ADMINISTRATION— | | | | | | | | | | | | |
| 1. Superintendents | | 157 | | | 92 | | | 249 | | | | |
| 2. Board Members, Trustees | | 507 | | | 1,016 | | | 1,523 | | | | |
| 3. Attendance Officers | | 117 | | | 92 | | | 209 | | | | |
| 4. Business Directors and Accounting, etc. | | 43 | | | ... | | | 43 | | | | |
| 5. Medical, Dental, etc. | | 73 | | | ... | | | 73 | | | | |
| 6. Building and Supplies, etc. | | 57 | | | ... | | | 57 | | | | |
| 7. Clerks, Stenographers, etc. | | 288 | | | ... | | | 288 | | | | |
| Total | 1,242 | | 1,200 | | | | 2,442 | | | | | |
| II. TEACHING PERSONNEL— | | | | | | | | | | | | |
| A. Principals— | | | | | | | | | | | | |
| 1. Elementary | M | W | T | M | W | T | M | W | T | | | |
| 2. Junior High | 237 | 242 | 479 | 136 | 24 | 160 | 373 | 266 | 639 | | | |
| 3. Senior High | 40 | 10 | 50 | ... | ... | ... | 40 | 10 | 50 | | | |
| | 171 | 15 | 186 | 695 | 12 | 607 | 766 | 27 | 793 | | | |
| Total | 448 | 267 | 715 | 731 | 36 | 767 | 1,179 | 303 | 1,482 | | | |
| B. Supervisors | 73 | 135 | 208 | 30 | 77 | 107 | 103 | 212 | 315 | | | |
| C. Classroom Teachers— | | | | | | | | | | | | |
| 1. Kindergarten | ... | 125 | 125 | ... | 4,699 | 6,543 | ... | 125 | 125 | | | |
| 2. Elementary | 467 | 5,647 | 6,114 | 1,844 | ... | ... | 2,311 | 10,346 | 12,657 | | | |
| 3. Junior High | 280 | 614 | 894 | ... | ... | ... | 280 | 614 | 894 | | | |
| 4. Senior High | 1,444 | 1,968 | 3,412 | 1,418 | 1,603 | 3,021 | 2,862 | 3,571 | 6,433 | | | |
| 5. Vocational | 129 | 75 | 204 | ... | ... | ... | 129 | 75 | 204 | | | |
| 6. Special | 70 | 113 | 183 | ... | ... | ... | 70 | 113 | 183 | | | |
| Total | 2,390 | 8,542 | 10,932 | 3,262 | 6,302 | 9,564 | 5,652 | 14,844 | 20,496 | | | |
| D. Total Teaching Personnel | 2,911 | 8,944 | 11,855 | 4,023 | 6,415 | 10,438 | 6,934 | 15,359 | 22,293 | | | |
| III. OTHER EMPLOYEES— | | | | | | | | | | | | |
| 1. Janitors | 1,282 | 157 | 1,439 | 1,226 | 135 | 1,361 | 2,508 | 292 | 2,800 | | | |
| 2. Bus Drivers | 322 | ... | 322 | 7,869 | ... | 7,869 | 8,191 | ... | 8,191 | | | |
| GRAND TOTAL I, II, III | ... | ... | ... | ... | ... | ... | ... | ... | 35,726 | | | |

*From Year Book of the State of Indiana, 1935.

*From Year Book of the State of Indiana, 1935.

fer tuition, and other outlay amounted to \$10,758,155.45 which made the total gross expenditure \$53,644,053.76.

12. *Ques.* What was the total indebtedness of the school corporations?

Ans. Taking bonds and temporary loans together, the total debt was \$47,195,072.31. Of this amount the debt of the cities and towns was \$36,407,215.87, and the debt of the townships was \$10,787,856.44.

II

Historical Background of the Public School System of Indiana

1. *Ques.* What three periods may be noted in the establishment of a school system in Indiana?

Ans. The pre-state period extended from 1785 to 1815, the period of the district system from 1816 to 1851, and the period of centralization from 1852 to the present time.

2. *Ques.* Why was so little done towards establishing a school system between 1785 and 1816?

Ans. During these primitive times the settlers were struggling for an existence. While hewing forests, clearing virgin tracts of land, repulsing Indians, obtaining food and clothing, little time was left for education.

3. *Ques.* What acted as the original constitution of Indiana while it was a part of the Northwest Territory?

Ans. The Federal Survey Act and the Articles of Confederation served as the constitutional guides. Thomas Jefferson was the originator of the Survey Act.

4. *Ques.* What was the attitude of the Federal Survey Act toward education?

Ans. "Surveyors should divide the Territory into townships of 6 miles square by lines running north and south and others crossing at right angles as near as may be; that the plots of townships shall be marked by subdivisions into lots 1 mile square, or 640 acres, in the same direction as the external lines and numbered from 1 to 36 and that there shall be reserved the lot No. 16 of every township for the maintenance of public schools and the one immediately adjoining the same to the northward for the support of religion." Quoted from the original bill for the Survey Act.¹

5. *Ques.* What importance, if any, did the Ordinance of 1787 place on education?

¹The bill was amended before passage by eliminating that part of the bill relative to the land grant for religious purposes.

Ans. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind—schools and the means of education shall be forever encouraged."²

6. *Ques.* What further developments did the Federal Enabling Act of 1816 make to schools?

Ans. (1) "That the sixteenth section of every township, and when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of the schools."³

(2) "One entire township, which shall be designated by the President of the United States in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning and vested in the Legislature of the said state, to be appropriated solely to the use of such seminary by the said Legislature."⁴

7. *Ques.* What is referred to by, "In addition to the one heretofore reserved for that purpose"?

Ans. In the law organizing the Indiana Territory (May 7, 1800), there was a provision setting aside a township of land for the establishment of a college. This township was set apart in 1806 in Gibson County and the college was established subsequently at Saint Vincennes, which was the capital of the Territory.⁵

8. *Ques.* What are the constitutional provisions for education in Indiana?

Ans. In the Constitution of 1816 there are five sections relating to education:

²Quoted from the Ordinance of 1787.

³Quoted from the Enabling Act.

⁴Quoted from the Enabling Act. This section is the federal government's authorization for, and its aid in, the establishment of a state university.

⁵The University of Vincennes thus, at one time, had a claim to state support.

"Sec. 1. Knowledge and learning, generally diffused through a community, being essential to the preservation of a free Government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to this end, it shall be the duty of the General Assembly to provide by law for the improvement of such lands as are, or hereafter may be, granted by the United States to this State for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter, to the accomplishment of the grand object for which they are or may be intended. But no lands granted for the use of schools or seminaries of learning shall be sold, by authority of this State, prior to the year eighteen hundred and twenty; and the moneys which may be raised out of the sale of any such lands, or otherwise obtained for the purpose aforesaid, shall be and remain a fund for the exclusive purpose of promoting the interest of literature and the sciences, and for the support of seminaries and public schools. The General Assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, scientific, and agricultural improvements, by allowing rewards and immunities, for the promotion and improvement of the arts, sciences, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, honesty, industry, and morality.

"Sec. 2. It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation from township schools to a State University, wherein tuition shall be gratis, and equally open to all.

"Sec. 3. And, for the promotion of such salutary end, the money which shall be paid as an equivalent by persons exempt from militia duty, except in times of war, shall be exclusively and in equal proportion applied to the support of county seminaries; also, all fines assessed for any breach of the penal laws shall be applied to said seminaries in the counties wherein they shall be assessed.

"Sec. 4. It shall be the duty of the Gen-

eral Assembly, as soon as circumstances will permit, to form a penal code founded on the principles of reformation, and not of vindictive justice; and also to provide one or more farms, to be an asylum for those persons who, by reason of age or infirmity or other misfortunes, may have a claim upon the aid and beneficence of society, on such principles that such persons may therein find employment and every reasonable comfort, and lose by their influence the degrading sense of dependence.

"Sec. 5. The General Assembly, at the time they lay off a new county, shall cause at least ten per cent to be reserved out of the proceeds of the sale of town lots, in the seat of justice of such county, for the use of a public library for such rules and regulations as will best secure its permanence and extend its benefits."

9. *Ques.* In what way did Indiana go further than other states in providing for education?

Ans. Boone says, "Previous to Indiana no state had in its constitution declared for a graduated system of schools extending from the district schools to the university, equally open to all on the basis of gratuitous instruction."

10. *Ques.* Were the public schools always free?

Ans. The earliest systems were maintained by donations and occasionally by special assessments paid by the parents of the children.

11. *Ques.* What other confusion prevailed during this period of non-centralization?

Ans. Religious and private associations established their own schools and in turn asked the state for teachers and financial aid. Even a single householder declared his right to have a special teacher. In 1842 Governor Bigger declared the school plan of Indiana scarcely deserved the name of system.

12. *Ques.* How did the Enabling Act of 1816 not prove helpful to all parts of the state?

Ans. In each congressional township, section 16, worth about \$1,280.00 was unfortunately given to the townships and not to

^oR. G. Boone, *History of Education in Indiana* (New York City: D. Appleton and Company, 1892).

the state. Some sections were valuable; others were useless. In many places the hope of an education could not be realized.

13. *Ques.* Why are the years from 1816 to 1851 known as the period of the district school?

Ans. During this time the congressional township was considered the unit. In 1824 these townships were divided into school districts of convenient size, each one having a board of three sub-trustees.

14. *Ques.* Why was the district plan popular?

Ans. There were insufficient means of communication and transportation. The population in three-fourths of the state was less than two to a square mile. Education at this time was considered a family matter and a larger unit meant a loss of local power.

15. *Ques.* Why did the general intelligence reach its lowest level in 1843?

Ans. This was due to local self government, unequal length of terms, and incapable teachers as well as dishonest trustees, a lack of leadership, and the narrow views on education. The house committee on education reported, "Our common school system of education is a body without a head."

16. *Ques.* What provisions for schools are found in the Constitution of 1851?

Ans. "Sec. 1. Knowledge and learning generally diffused throughout a community being essential to the preservation of a free Government, it shall be the duty of the General Assembly to encourage by all suitable means moral, intellectual, scientific, and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

"Sec. 2. The Common School Fund shall consist of the Congressional Township Fund, and the lands belonging thereto;

"The Surplus Revenue Fund;

"The Saline Fund, and the lands belonging thereto;

"The Bank Tax Fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

"The fund to be derived from the sale

of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue;

"All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

"All lands that have or may hereafter be granted to the State when no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the twenty-eighth of September, one thousand eight hundred and fifty, after deducting the expense of selecting and draining the same;

"Taxes on the property of corporations that may be assessed by the General Assembly for common school purposes.

"Sec. 3. The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever.

"Sec. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School Fund as have not heretofore been intrusted to the several counties and shall make provision by law for the distribution among the several counties of the interest thereof.

"Sec. 5. If any county shall fail to demand its proportion of such interest for common school purposes, the same shall be reinvested for the benefit of such county.

"Sec. 6. The several counties shall be held liable for the preservation of so much of said fund as may be intrusted to them, and for the payment of the annual interest thereon.

"Sec. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

"Sec. 8. The General Assembly shall provide for the election, by the voters of the State, of a State superintendent of public instruction, who shall hold his office for two years, and whose duties and compen-

sation shall be prescribed by law."

17. *Ques.* When was the district organization abolished?

Ans. In 1851 under the new constitution the civil township (differing in boundaries from the congressional township) was established as supreme in the control of rural schools. The districts then became subordinate to the school township.

18. *Ques.* Are the civil and school townships separate corporations?

Ans. In Indiana each township is a corporation for civil purposes and also for school purposes. The township trustee represents both civil and school townships, yet under the law the two are distinct legal beings.

19. *Ques.* What basic principles have been established by the courts regarding education?

Ans. The schools of Indiana are state schools, the educational rights of the child are paramount, and the legislature may change the plan as often as it deems necessary and is only answerable for mistakes to the people and not to the courts.

20. *Ques.* What three factors hampered education in early times?

Ans. The three factors to blame were:

(1) The independent spirit of the pioneers who scorned state aid.

(2) The sparsely settled condition of the country.

(3) The lack of funds and the low value of land.

21. *Ques.* What two weaknesses concerning education appeared in the Constitution of 1851?

Ans. (1) There was a lack of a definite plan for raising money because it was left to the discretion of the voters.

(2) No adequate scheme of promoting a good school system had been worked out.

22. *Ques.* Why were the early school systems local affairs and under local self government?

Ans. This was a legacy handed down to the people from the American Revolution

and they were prone to guard it carefully.

23. *Ques.* When was the first law passed giving state aid to schools?

Ans. In 1836 a law was passed giving a portion of the poll tax and five per cent of gross state revenue to the support of education. This should be distributed among the different townships in proportion to the amount of revenue paid in by each township.

24. *Ques.* When was the office of common school superintendent for the state created?

Ans. In 1843 the state treasurer was made the common school superintendent. At this time the office was primarily statistical.

25. *Ques.* When was the state board of education created?

Ans. It was created in 1852 before there was any real state system and was first made up of the governor, lieutenant governor, and state superintendent of public instruction. In 1865 it was changed to a board which was partly ex-officio and partly appointive. In 1913 its composition and number of members was changed again. It then consisted of the superintendent of public instruction, the presidents of Purdue University, the State University, and the State Normal School, superintendents of schools of three cities having the largest number of enumerated children, three citizens actively engaged in educational work of whom at least one should be a county superintendent, and three persons interested in vocational training. In 1933 it came to be known as "Board of Department of Education" and consists of state superintendent of public instruction, the governor, lieutenant governor, and six additional persons, four of whom are actively engaged in educational work.

26. *Ques.* What powers did the state board of education possess in early times?

Ans. The powers were very limited and of a possessive nature. They were more general than specific.

III

School Revenues and Their Apportionment

1. *Ques.* What constitutes the common school fund?

Ans. The common school fund shall consist of:

- (1) The congressional township fund, and the land belonging thereto;
- (2) Surplus revenue fund;
- (3) Saline fund;
- (4) Bank tax fund;
- (5) The county seminary fund;
- (6) All funds assessed for breaches of the penal laws of the state;
- (7) All forfeitures;
- (8) All escheats;
- (9) The swamp land funds; and
- (10) The state bank funds.

2. *Ques.* What provision is made for safeguarding the common school fund?

Ans. The Constitution of 1851 provides that:

- (1) Funds may be increased but not diminished;
- (2) Funds are inviolate and shall be applied for the purpose for which they were created;
- (3) The general assembly shall invest the fund in some safe and profitable investment; and
- (4) The counties shall be liable for the part intrusted to them. When such funds are not invested, the county must collect the unearned interest from the uninvested portions as added taxes.

3. *Ques.* When are transfers of common school funds made?

Ans. On the first of February one-half of the interest on the fund is transferred; on the first day of August the other one-half is transferred.

4. *Ques.* From what other sources do the schools obtain revenue?

Ans. The other sources of revenue are:

- (1) Intangibles tax;
- (2) Excise tax;
- (3) Excess veterinarian board fee;
- (4) Optometry surplus fee;
- (5) Tax on theaters;
- (6) Tax on ferries;

(7) Tax on circuses, carnivals, and wagon shows;

(8) Tax on traveling merchants and peddlers;

(9) Tax on stock and exchange brokers; and

(10) Tax on stores.

5. *Ques.* What part of intangibles tax is given to the school fund?

Ans. Sixty-seven and one-half per cent of the net proceeds of the intangibles tax is paid into the school fund of all school units in proportion to the assessed valuation of the real property of each unit.

6. *Ques.* What part of the excise tax fund goes for maintenance of schools?

Ans. Thirty-three and one-third per cent of the funds (all retail license fees) so collected and paid into said "excise fund" shall be distributed by the superintendent of public instruction semi-annually on the first day of June and the first day of December of each year among the several school taxing units of the state of Indiana, on the basis of the average daily attendance of school children therein, and when distributed to the several school taxing units of the state, shall constitute a part of the tuition fund of each of the respective school taxing units, and may be used by the proper authorities of such school taxing units, as other funds in such tuition funds are used.

7. *Ques.* What part of store tax goes to schools?

Ans. Three hundred thousand dollars goes annually to the state deficiency fund.

8. *Ques.* What amount of money shall the state transfer to each school corporation for each teaching unit?

Ans. Each school corporation shall receive state support to the extent of not "less than seven hundred dollars for each teaching unit" as defined below.

9. *Ques.* What is the number of pupils to be considered as a teaching unit?

Ans. The number of teaching units in a school corporation shall not exceed one unit for each thirty-five pupils in average daily attendance in the grades one to

eight and twenty-five pupils in grades nine to twelve as evidenced by the average daily attendance.

10. *Ques.* When are the funds for each teaching unit transferred to the school corporation?

Ans. The funds are transferred as soon as possible after January fifteenth and July fifteenth in the same manner as the common school funds are distributed.

11. *Ques.* What tax rate does the state impose for the state school deficiency fund?

Ans. The state imposes a rate of seven cents on each one hundred dollars of taxables plus fifty cents from each taxable poll. Forty-five per cent of the collected relief fund is distributed to school corporations qualifying for relief.

12. *Ques.* What was the amount of the common school fund in 1937?

Ans. The common school fund was \$17,919,649.29 in 1937.

13. *Ques.* What was the amount of the congressional township fund in 1937?

Ans. The amount was \$2,493,840.04.⁷

14. *Ques.* What accretions were made to the common school fund during the year 1936?

Ans. The amount added to the common school fund was \$202,699.24.

15. *Ques.* What was the income from

⁷This fund is a part of the common school fund.

the common school fund?

Ans. The income from this fund as received in January, 1937, and in July, 1937, was \$888,536.63, of which \$42,739.94 was reserved for special classes. The amount distributed was \$845,796.69.

16. *Ques.* How was this fund apportioned?

Ans. The average daily attendance for the period reported as of June, 1935, was 651,638. The per capita distribution was \$.7635433. The per capita distribution for July, 1937, was \$.534411529. Each pupil considered as an A. D. A. pupil thus received \$1.297+.

17. *Ques.* What was the distribution of other state funds?

Ans. The distribution of other state funds for the period under consideration amounted to:

| | |
|------------------------------------|-----------------|
| Distribution of state funds on the | |
| on the basis of the number of | |
| teaching units ----- | \$10,035,250.00 |
| Intangibles tax ----- | 975,242.70 |
| Excise tax ----- | 630,459.77 |
| Deficiency fund ----- | 1,451,129.45 |

A complete report of receipts and expenditures of all types of funds will be found in the *Annual Report of the State Superintendent of Public Instruction* for the school year 1936-1937. The same data are obtainable from the 1937 *Year Book*.

IV

Joint and Consolidated Schools

DEFINITIONS OF TERMS

1. *Ques.* What is a joint school?

Ans. Two or more different school corporations joined into one make up a joint school.

2. *Ques.* What is a consolidated school?

Ans. A consolidated school is a part or all of the schools in one school corporation combined into one.

3. *Ques.* What constitutes a school corporation?

Ans. The term "school corporation" means a school city, school town, school township, or joint school corporation, as the case may be.

4. *Ques.* Can schools be both joint and

consolidated?

Ans. Yes. Two school corporations may be joined into one and the schools in the joint corporation may be consolidated.

TERRITORY AND SCHOOL UNITS INVOLVED

1. *Ques.* What school units may be consolidated or made joint.

Ans. Either two adjoining townships, township and contained town or towns, or township and contained city may be consolidated or made joint.

2. *Ques.* Would it be possible for school units in separate counties or even states to be made joint or to be consolidated?

Ans. They can be consolidated or made joint. The law states that two adjoining

units can be joint or consolidated. This would be possible in separate counties or states. For example, two townships could be adjoining but in separate states or counties. However, if the schools are in adjoining states, enabling laws in each such state will be necessary in order to make such schools legal.

3. *Ques.* Does Indiana have sufficient laws regarding joint and/or consolidated schools?

Ans. Indiana, unfortunately, has too many laws relating to joint schools. Too many of these laws are applicable to limited areas and situations, whereas a few laws having general application would be far less confusing. Progress made in the consolidation of schools has been very satisfactory in the state, but joint schools have not made excellent progress. The following is a list of laws relating to these types of schools. There is no claim to an exhaustive and detailed treatment by individual laws. The key to the numerals in parentheses under each law is given here-with:

- (1) Law relates to
- (2) Date of passage of law
- (3) Amount of use to which law has been put
- (4) Initiation of procedure to form such school
- (5) Number and kind of corporations covered by law
- (6) Control of new school vested in
- (7) Financing maintenance of new school
- (8) May buildings be erected for new corporation
- (9) Specifically applicable to what type of school?
(E = elementary; S=secondary)
- (10) Acceptance of proposed joint relationship or consolidation

Law 1.

- (1) Joint school
- (2) Acts of 1901 - p. 53
- (3) Limited
- (4) Petition
- (5) Two or more adjacent corporations
- (6) Corporation in which is established
- (7) Basis of number of children*
- (8) Yes, on same basis if financing own maintenance
- (9) By inference both E and S
- (10) Trustees

Law 2.

*For details on this point, see Acts of 1901, p. 53.

- (1) Joint schools
- (2) Acts of 1873 - p. 68
- (3) Limited
- (4) School trustees
- (5) Two or more distinct municipal corporations
- (6) Trustees of joint school corporation
- (7) No specific provision
- (8) Yes
- (9) By inference both E and S
- (10) Trustees

Law 3.

- (1) Joint schools
- (2) Acts of 1877 - p. 125
- (3) Limited
- (4) Petition
- (5) Two or more adjacent counties or townships
- (6) As in Law 1
- (7) Same as in Law 1
- (8) Same as in Law 1
- (9) By inference both E and S
- (10) Trustees

Law 4.

- (1) Joint schools
- (2) Acts of 1903 - p. 431
- (3) Limited
- (4) Petition by majority of patrons
- (5) Two or more adjoining school districts
- (6) _____
- (7) _____
- (8) Yes
- (9) By inference both E and S
- (10) Trustees

Law 5.

- (1) Consolidated schools
- (2) Acts of 1919 - p. 811
- (3) Limited
- (4) School trustees
- (5) Two or more adjacent townships one of which is maintaining a high school
- (6) Joint board township trustees
- (7) Basis of assessed valuation
- (8) Basis of assessed valuation
- (9) E and S
- (10) Trustees

Law 6.

- (1) Joint schools
- (2) Acts of 1911 - p. 463
- (3) Limited
- (4) Incorporated town or city of fifth class and township
- (5) Three or more towns or city and township
- (6) Indefinite
- (7) Basis of assessed valuation
- (8) Basis of assessed valuation
- (9) E and S or 1
- (10) Election

Law 7.

- (1) Joint schools
- (2) Acts of 1917 - p. 63
- (3) Limited
- (4) Contract
- (5) Fifth class city, towns not to ex-

- ceed two thousand population, and township
- (6) Joint board
 - (7) Basis of assessed valuation
 - (8) Basis of assessed valuation
 - (9) E and I or S
 - (10) Trustees

Law 8.

- (1) Joint schools
- (2) Acts of 1919 - p. 686
- (3) Limited
- (4) Contract
- (5) Incorporated town or city not to exceed six thousand and the containing township
- (6) Joint board
- (7) Basis of number of children
- (8) Yes
- (9) S
- (10) Trustees

Law 9.

- (1) Joint schools
- (2) Acts of 1911 - p. 475
- (3) Limited
- (4) Contract
- (5) Townships and towns
- (6) Trustees
- (7) Assessed valuation
- (8) Yes
- (9) S
- (10) Trustees

Law 10.

- (1) Consolidated schools
- (2) Acts of 1927 - p. 290
- (3) Limited
- (4) Petition
- (5) Townships
- (6) Trustees and county superintendent
- (7) Number of pupils
- (8) Yes
- (9) E and S
- (10) Petition

Law 11.

- (1) Joint schools
- (2) Acts of 1915 - p. 580
- (3) Limited
- (4) Petition
- (5) Townships
- (6) _____
- (7) _____
- (8) Yes
- (9) S
- (10) Petition

Law 12.

- (1) Joint schools
- (2) Acts of 1913 - p. 331
- (3) Limited
- (4) Petition
- (5) Townships
- (6) Trustees
- (7) _____
- (8) Yes
- (9) E and S
- (10) Trustees

Law 13.

- (1) Joint schools
- (2) Acts of 1917 - p. 52

- (3) Limited
- (4) Petition
- (5) School district
- (6) Trustees and county superintendent
- (7) Assessed valuation
- (8) Yes
- (9) By inference, E and S
- (10) Petition

Law 14.

- (1) Joint schools
- (2) Acts of 1919 - p. 830
- (3) Limited
- (4) Contract
- (5) Town of two thousand or less in population and its containing township
- (6) Trustees
- (7) Prorated on assessed valuation
- (8) No
- (9) E and S
- (10) Trustees

Law 15.

- (1) Consolidated*
- (2) Acts of 1917 - p. 545
- (3) Extension
- (4) Petition
- (5) Town or city of fifth class and containing township
- (6) Special board of trustees
- (7) Number of pupils
- (8) Yes
- (9) E and S
- (10) Election

Law 16.

- (1) _____
- (2) Acts of 1927 - p. 285
- (3) Limited
- (4) _____
- (5) As in the "Greencastle Law"
- (6) Special board of trustees
- (7) _____
- (8) Yes
- (9) E and S
- (10) Election

Law 17.

- (1) Consolidated schools
- (2) Acts of 1925 - p. 328
- (3) Limited
- (4) Resolution or petition
- (5) City of fifth class and containing township
- (6) Board of trustees
- (7) On basis of taxable property
- (8) Yes
- (9) E and S
- (10) Election

Law 18.

- (1) Consolidated schools
- (2) Acts of 1929 - p. 684
- (3) Limited
- (4) Resolution
- (5) Incorporated town, city of fifth class, and township

*This is the "Greencastle Law," since it was designed for Greencastle city and Greencastle township.

- (6) Board of trustees
- (7) A single taxing unit
- (8) Yes
- (9) E and S
- (10) Election

Law 19.

- (1) Consolidated schools
- (2) Acts of 1917 - p. 61
- (3) Limited
- (4) Resolution and contract
- (5) Town and township schools
- (6) Special board
- (7) Number of pupils
- (8) Yes
- (9) By inference E and S
- (10) Election

Law 20.

- (1) Joint schools¹⁰
- (2) Acts of 1921 - p. 700
- (3) Limited
- (4) Contract
- (5) Township, town, or city
- (6) School trustees
- (7) "As shall seem to be equitable"
- (8) Yes
- (9) E and S
- (10) Trustees

Law 21.

- (1) Joint schools
- (2) Acts of 1935 - p. 934
- (3) Limited
- (4) Resolution
- (5) Incorporated town, city of fifth class
- (6) Joint board of trustees
- (7) Basis of pupils attending
- (8) Yes, basis of taxable property
- (9) S
- (10) Election

Law 22.

- (1) Joint and consolidated schools
- (2) Acts of 1937 - p. 822
- (3) Limited
- (4) Resolution
- (5) Incorporated towns of not more than two thousand population and containing township
- (6) Joint board of trustees
- (7) _____
- (8) Yes
- (9) _____
- (10) _____

4. *Ques.* What is the total number of joint schools in the state under these laws?

¹⁰This law applies to joint schools between school corporations in Indiana and states adjoining Indiana.

Ans. There are approximately fifty schools now operating as joint schools, thus involving about one hundred school corporations.

5. *Ques.* What action has been taken affecting the total number of school corporations?

Ans. According to the federal census of 1930 there were 422 civil town corporations in the state. The total number of school town corporations for the same year was 73. The difference in these numbers represents the number of towns that had found it difficult or impossible to operate a school corporation. The law provides that a town school corporation (the town having a population not to exceed two thousand and having school indebtedness) may "through its town board of trustees, abandon and discontinue its management and control of public schools within such incorporated town, and abolish the board of school trustees therein, upon an agreement with the township trustee of the township in which such town is located to take over the school property of such town."¹¹

The abandonment of town school corporations may also be accomplished through a petition signed by two-thirds of the free-holders of the town.¹²

In both cases the schools of the town come under the complete jurisdiction of the township trustee.

6. *Ques.* What is the status of consolidation in Indiana?

Ans. Naturally, consolidation pertains almost wholly to rural schools. Indiana now has approximately eleven hundred one-room schools. About twenty-five per cent of all counties are practically completely consolidated. All other counties have undergone some degree of consolidation.

¹¹Acts of 1919, p. 818.

¹²Acts of 1913, p. 353.

V

Compulsory Education and Attendance

1. *Ques.* What are the provisions for compulsory education in Indiana?

Ans. The state legislature of 1921 provided in the Acts of that year that every child between the ages of seven and sixteen years shall attend a public, private, or parochial school for the whole school year of the district in which he lives.

2. *Ques.* What provision does the law make for those physically and mentally unfit?

Ans. The superintendent of any school district of the state may excuse any such child for that particular school year if a competent and reliable physician, after he has thoroughly examined the child, certifies that the child is unfit physically or mentally to attend school.

3. *Ques.* Can a child be examined by local authorities if the parents do not wish it?

Ans. No physical or mental examination can be given any child without the approval of the child's parents or guardian.

4. *Ques.* What provision does the law make for the physically unfit?

Ans. Those children who are blind, partially blind, deaf, etc., and who cannot receive the type of education in the public school which they need are required to be sent to one of the state schools provided for them.

5. *Ques.* When may a child be employed?

Ans. Any child who is over fourteen but under sixteen years of age and who has completed the eighth grade may be allowed to withdraw from school provided the child has received an employment certificate. The length of time the child may work depends upon the length of time specified on the certificate.

6. *Ques.* Who, under the compulsory education law, is held responsible for the child?

Ans. Every parent or guardian is held legally responsible for any violation of the compulsory education act by a child. The parent is sent a written notice of the violation of the act. The attendance officer gives the parent one day in which to re-

turn the child to school. If the violation is continued or the same person violates any part of the act during the school year, no further notice need be given and the person may be liable.

7. *Ques.* What is done in case a child is an habitual truant?

Ans. Any child who is between the ages of seven and sixteen years and subject to the provisions of this act, who is continually absent without a lawful excuse, may be tried by the juvenile court, circuit court, or superior court, and if he be found to be a confirmed truant he may be sent to the boys' or girls' school or turned over to the probation officer, if the attendance officer and superintendent recommend it.

8. *Ques.* Can a school corporation establish a school for incorrigible children?

Ans. Two or more common school corporations may establish and maintain a school for incorrigibles and confirmed truants and compel such children to attend it.

9. *Ques.* What is the duty of the teacher in matters of attendance?

Ans. Each teacher in Indiana is required to keep an accurate daily record of the attendance of every child. These records are to be available for inspection by local and state attendance officers.

10. *Ques.* What provision is made for indigents?

Ans. In case a parent is not able to buy books, clothing, and school supplies in order that the child may attend school, the school corporation furnishes temporary aid. The township trustee is to reimburse the school corporation for such aid.

11. *Ques.* How does the school corporation finance the compulsory education and attendance law?

Ans. For the execution of this law the school corporation may levy a tax not to exceed five cents on each hundred dollars of taxable property.

12. *Ques.* How does the state attendance officer receive his salary?

Ans. The state makes an appropriation annually cut of the general fund for the salary and expenses of the state attendance

officer and the expenses of the state board of attendance.

13. *Ques.* Who is responsible for the enforcement of this act?

Ans. The state attendance officer, local school boards, township trustees, school superintendents, local attendance officers, sheriffs, and police of Indiana are responsible for the enforcement of the provisions of this law.

14. *Ques.* What shall be the penalty for violation of the act?

Ans. Any person, any minor who violates or causes any child to violate any of the provisions of this act and who keeps an attendance officer from doing his duty may be, if found guilty, fined not less than ten dollars nor more than two hundred dollars or imprisoned not more than sixty days or both.

EMPLOYMENT OF MINORS

1. *Ques.* What is the type of employment that children under fourteen years of age may engage in?

Ans. They are permitted to work on the farm, in domestic service, or as a caddie after school hours and on Saturdays.

2. *Ques.* How is the employing official to know the age of the minor?

Ans. The employer cannot permit any child to work until he has received from the issuing officer of the district in which the child lives, a certificate of his age, such as a birth certificate or a Bible record of the age, provided the work is something other than farm or domestic labor or caddying.

3. *Ques.* Who is the issuing officer for work permits?

Ans. The issuing officer is the person who issues work permits. In cities and incorporated towns the issuing officer is the superintendent of schools or a person appointed by him. In other cases he is the county superintendent or a person appointed by him.

4. *Ques.* What proof does the issuing officer require before a certificate is issued?

Ans. The party seeking the certificate must produce evidence to: (1) prove his age by birth certificate or other acceptable evidence of age; (2) prove that he is physically fit; (3) prove that he has satisfactorily completed the eighth grade; and (4)

prove that he has employment as soon as the certificate is granted.

5. *Ques.* Who can require minors to submit to a physical examination?

Ans. Any minor who is engaged in any occupation other than the three previously mentioned must, if requested by the industrial board, submit to a physical examination by a physician chosen by the board. If the physician finds the minor unfit physically his permit may be revoked. The findings as reported by the doctor are kept on file in the state industrial board office. Written revocation of the certificate is served personally or by registered mail to the issuing officer.

6. *Ques.* What are the hours that minors may work?

Ans. Boys between the ages of fourteen and sixteen and girls between the ages of fourteen and eighteen who are engaged in labor other than farm or domestic cannot work more than eight hours a day or forty-eight hours a week nor more than six days a week nor before six o'clock in the morning nor after seven in the evening. The employer must post in a conspicuous place the name of the person, maximum number of hours he may be employed, and the time given for lunch. If there are persons in his employment under sixteen years of age, he must post their names and ages also.

7. *Ques.* What are the occupations that minors under sixteen years of age are forbidden to engage in?

- Ans.* (1) Oiling and wiping machinery;
 (2) Operating circular band saws;
 (3) Wood-shaping;
 (4) Wood-joining;
 (5) Planing;
 (6) Operating stamping machines;
 (7) Operating dough breaker and cracker machinery;
 (8) Operating punch drill press, shears;
 (9) Operating calender rolls;
 (10) Operating laundry machinery;
 (11) Operating paper cutting machines;
 (12) Working in tobacco factories;
 (13) Working in hotel or theatre;
 (14) Working in bowling alley; and
 (15) Any occupation dangerous to life, limb, health, or morals.

8. *Ques.* What occupations may minors under eighteen years of age not engage in?

- Ans.* (1) Oiling or cleaning moving machinery;
 (2) Operating abrasive, polishing wheels;
 (3) Operating elevator;
 (4) Working in, around, or near high explosives;
 (5) Dipping, dyeing, or packing matches;
 (6) Working in any place where malt beverages or alcoholic beverages are manufactured, packed, wrapped, or bottled;
 (7) Working in a saloon;
 (8) Delivering before six in the morning or after ten at night; and
 (9) In addition no girl can be employed where she must remain standing for long periods.

9. *Ques.* What is the requirement for boys and girls under twenty-one years of age?

Ans. Boys and girls under twenty-one years of age cannot be employed in any public billiard or pool room.

10. *Ques.* What provision is made for boys working with certain types of machinery in schools?

Ans. Any pupil can work in the industrial arts department of any school on any properly guarded machine if his work is carefully supervised by the instructor.

11. *Ques.* What are the duties and powers of the industrial board?

Ans. It is its duty to see that all the sections in the compulsory education law regarding employment certificates, health, working hours, and the type of employment of minors are properly enforced. It is to inspect all factories, stores, etc.

12. *Ques.* What penalty can be placed upon offenders of the sections regarding the employment of minors?

Ans. If upon conviction, a person, firm, or public official is found guilty of violation of any of the requirements for the employment of minors, he is subject to a fine of not less than twenty-five dollars nor more than fifty dollars for the first offense.

13. *Ques.* What can parents do in case

of personal injury to a minor who was employed in an occupation other than that permitted by law?

Ans. If the parents bring suit against the employer and if they can prove that the minor was employed and permitted to work in violation of the act and was injured because of such employment, the employer may be held for damages and compensation.

14. *Ques.* To whom does the law apply?

Ans. The law on attendance, employment, permits, and health applies to all minors in the state of Indiana or those who intend to live here for a period of not less than three months.

15. *Ques.* Who shall issue certificates to minors who do not reside in the state of Indiana?

Ans. The school and public authorities in the district in which the minor seeks employment shall issue the employment certificates.

16. *Ques.* What does the law say concerning minors frequenting public places?

Ans. Any proprietor who allows a minor under eighteen years of age not accompanied by a parent or guardian to frequent or loiter in or around public dance halls, concert halls, or places where alcohol is for sale shall, upon conviction, be fined.

17. *Ques.* In case a minor misrepresents his age in order to obtain alcoholic beverages, who is held responsible?

Ans. If a person between the ages of eighteen and twenty-one years misrepresents his age in order to buy alcoholic beverages, he can if found guilty be fined not more fifty dollars or suffer not more than thirty days in jail.

18. *Ques.* What is necessary for admission to any type of charity school?

Ans. No correctional, charitable, educational, or training school should admit any child between the ages of six and twenty-one as an inmate to such a school in Indiana, unless a transfer issued by the proper school official accompanies the child.

OPINIONS

1. *Ques.* Should children be kept out of school to participate in programs?

Ans. No person without relation to the schools of the community can lawfully keep

a child under the compulsory attendance age out of school for programs or privately conducted excursions.

2. *Ques.* Can a child who has completed the eighth grade be compelled to continue in school?

Ans. Any child can be compelled to go on to school until he is sixteen years of age.

3. *Ques.* What is the attitude of the Supreme Court toward compulsory education?

Ans. Education is a legitimate function

of the state.

4. *Ques.* What authority do teachers have over pupils?

Ans. Teachers have a right to impose any reasonable rule upon children—such as buying music books, enforcing discipline, and supervising health, safety, and morals of the children.

5. *Ques.* Can a child be expelled?

Ans. Any child who refuses to comply with any reasonable rule of the school may be expelled or suspended.

VI

Transportation

1. *Ques.* What was the total cost of transportation for 1935 in the state of Indiana?

Ans. The total cost of transportation for 1935 was \$3,821,016.88.

2. *Ques.* What was the cost of urban transportation for 1935?

Ans. Urban transportation for the year 1935 cost \$108,762.71, while rural transportation cost \$3,712,254.17.

3. *Ques.* What was the total number of pupils transported in the year 1935?

Ans. In the year 1935, 201,236 pupils were given free transportation.

4. *Ques.* What was the per capita cost of transportation in 1935?

Ans. The approximate cost per pupil for the year 1935 was \$19.98.

5. *Ques.* What was the number of children given transportation in the rural districts as compared with those given transportation in the urban districts in the year 1935?

Ans. The number of pupils transported in the rural districts totaled 193,625 while only 7,611 were transported in the urban districts.

6. *Ques.* How many routes were contracted for in the year 1935?

Ans. There were 6,573 school hack routes in 1935. This did not include 1,296 private transportation agreements.

7. *Ques.* What are the longest and shortest routes for the year being considered?

Ans. The longest route covered a distance of 112 miles for a round trip and the shortest route covered 1 mile.

8. *Ques.* What was the total mileage for all routes during the year 1935?

Ans. The total mileage for all routes was 148,079 miles per day or 23,440,414 miles for the year.

9. *Ques.* How long has transportation been furnished in Indiana?

Ans. In 1900 there were forty counties in which some means of transportation were being provided. By 1908 sixty of the ninety-two counties of Indiana were providing means of transportation to at least a part of their pupils.

10. *Ques.* How does Indiana compare with other states in providing free transportation to pupils?

Ans. In the school year of 1931-1932 only North Carolina and Ohio gave transportation to more pupils than did Indiana.

11. *Ques.* What act of legislature really made free transportation a necessity?

Ans. The Acts of 1901 which had to do with the consolidation of small rural schools.

12. *Ques.* To whom was the duty of providing and maintaining transportation given?

Ans. This duty was placed in the hands of the township trustee.

13. *Ques.* When was this power given to him?

Ans. In the Acts of 1899 a law was passed recognizing the right of the trustee to transport pupils at public expense but not requiring him to do so.

14. *Ques.* From what fund does the expense of providing transportation to pupils come?

Ans. The payment of the expense of transportation comes from the special school fund.

15. *Ques.* What was one of the conditions under which free transportation was made compulsory in the Acts of 1913?

Ans. In the case of the discontinuance of a school the township trustee must provide and maintain free transportation for those pupils affected that live a greater distance than two miles and for all those between the ages of six and twelve who live less than two miles and more than one mile from the school to which they may be transferred.

16. *Ques.* What was another condition in the Acts of 1913 under which the trustee must furnish free transportation?

Ans. "In all townships where a school has been abandoned under the provisions of this act, the trustee shall provide for the transportation of all pupils of any other school of such township who live more than two (2) miles and all pupils between the ages of six (6) and twelve (12) that live more than one (1) mile from the school to which they are attached, whenever a majority of the patrons of such school petition the trustee to provide such transportation."

17. *Ques.* Must a school corporation furnish transportation to high school students of an abandoned school?

Ans. Whenever sixty per cent of the taxpayers of a school township or school corporation petition a trustee to abandon a high school or high schools within such township or school corporation, then he must abandon such school and furnish free transportation to all pupils of that school corporation to some other high school.

18. *Ques.* Who shall be responsible for transportation of those pupils who are transferred from one township to another?

Ans. It is the duty of the township trustee to whom the transfer is issued, provided that such transportation will not necessitate any additional wagons or additional distance to be traveled.

19. *Ques.* Shall the school trustee afford transportation to those children attending parochial schools in his district?

Ans. Yes, the trustee shall furnish transportation to these pupils, without extra

charge, but only in the case in which these pupils meet the school bus and leave it at some point on the regular route.

20. *Ques.* What is the law concerning the abandonment of schools and the consolidation of such abandoned schools?

Ans. "Whenever a majority of the legal voters of any school district or corporation shall petition the trustee or trustees of such school district or corporation for the abandonment of their schools and the consolidation of their schools with the schools of some other district or corporation in the same township, it shall be the duty of the trustee or trustees of such school district or corporation to comply with such petition, and to provide for the education of the children of such abandoned district or corporation in other schools as asked for in such petition."

21. *Ques.* Can the courts of Indiana designate when transportation should be provided for?

Ans. No. The transportation of pupils to and from school, except as specially regulated by statute, rests largely in the sound discretion of the township trustee subject to review by the county superintendent. The courts may interpret the laws regarding transportation upon the presentation of a proper case.

22. *Ques.* Before a trustee can be compelled to furnish free transportation under the statutes, what must first be proved?

Ans. It must be shown that he has funds for this purpose or that he has been authorized to borrow such funds by his advisory board.

23. *Ques.* Who determines to what school a pupil shall be transported?

Ans. The determination of the school to which pupils shall be transported and the method to be used are matters largely within the discretion of township trustees.

24. *Ques.* Must the school hack drive up to each pupil's home?

Ans. No. Each pupil may be required to walk a "reasonable distance" to meet the school wagon. In the case of *Lyle vs. State* it was held by the Supreme Court that five-eighths of a mile is not an unreasonable distance to require a pupil to walk.

25. *Ques.* What is meant by the words "school bus driver"?

Ans. The words "school bus driver" are construed to mean the driver of any vehicle that is used to transport children to and from school.

26. *Ques.* When and how are school bus drivers hired?

Ans. The township trustee on the first Tuesday after the first Monday in July in the year 1935 and every four years thereafter shall give notice that on the third Tuesday next ensuing he will receive sealed bids for the services of school bus drivers. Then at 8:00 P. M., on the same day the trustee and the advisory board will open the bids and award the contracts.

27. *Ques.* To whom are the contracts awarded?

Ans. The contracts are awarded to the lowest or most responsible bidder. The person to whom the contract is awarded must be a resident of the township in which the contract is awarded.

28. *Ques.* Must the trustee accept one of the bids received for this position?

Ans. No, he may reject all bids and re-advertise for bids. After second notice if he fails to receive a satisfactory bid, he may grant the contract to any responsible person at a rate of compensation no higher than the bids submitted by responsible bidders.

29. *Ques.* For what length of time are the contracts granted?

Ans. The trustee may grant the contract for not less than one year and not more than four years. No contract can be awarded that runs beyond the term of the existing trustee or advisory board.

30. *Ques.* Shall the school bus drivers after having been granted a contract be subject to dismissal?

Ans. The driver may be dismissed at any time for failure to perform his duty, for incompetence, or for any other just cause.

31. *Ques.* How are vacancies that occur during the school year filled?

Ans. The vacancies that occur during the school year are filled by appointment without advertising for sealed bids.

32. *Ques.* May a driver sublet his contract?

Ans. No driver may sublet his contract for driving a school conveyance under penalty of forfeiture, unless in case of

sickness or unavoidable absence. Substitutes must meet with the approval of trustee.

33. *Ques.* May a school bus be used for private use?

Ans. No school bus which is under contract for transporting school children shall be used upon highways of Indiana for any private purpose or for any purpose other than that for which it is under contract, except for group movements to and from athletic games, contests, or other school functions.

34. *Ques.* What are the qualifications of a school bus driver?

Ans. He must be twenty-one years of age or older, must be of good moral character, and must be experienced in the handling of teams or driving of automobiles. No one may be hired as bus driver who is known to use intoxicating liquor.

35. *Ques.* Do the bus drivers have to have a health certificate?

Ans. Yes. No person can be employed as a bus driver unless he has a health certificate issued by a licensed physician, thirty days or less prior to his appointment, stating that he is in normal physical and mental health, free from communicable disease, and has no permanent injury that will hinder his operation of the vehicle.

36. *Ques.* What safety devices does each school bus carry?

Ans. Each bus must be equipped with an axe and a fire extinguisher in that part of the bus most accessible to the driver.

37. *Ques.* What provisions have been made for the installation of safety glass in the school buses?

Ans. The Acts of 1935 made it unlawful on and after the first day of September, 1940, for any person to operate, or for any trustee to contract for a bus which is not equipped with safety glass throughout.

38. *Ques.* What is being done with the old school buses now in use?

Ans. Beginning in the year 1935, any school corporation at that time which owned school buses, which did not contain safety glass and were three or more years old, were ordered to dispose of at least one each year so that by 1940 all school buses in

in such corporation will conform with the requirements.

39. *Ques.* Is there any care given as to heating and ventilating school buses?

Ans. In order to insure the health of school children while in the school bus it is the duty of the trustee to provide covered vehicles with windows in each side as well as front and back and to equip the bus with suitable arrangements for heating.

40. *Ques.* What is the standard color of a school bus?

Ans. The standard color of a school bus is orange yellow, which is used to indicate warning.

41. *Ques.* What signs must be displayed on a school bus?

Ans. Every school bus must have signs on the front and rear of the bus, with the words "school bus" thereon. The letters composing such words must be black.

42. *Ques.* What lights are school buses required to have on them?

Ans. Each school bus in addition to its regular lights, during the period of one-half hour after sunset and one-half hour before sunrise, must carry two blue lights one visible from the rear and one visible from the front of the bus. Each bus must be equipped with a stop light so adjusted that it will light when the service brakes are applied. The bus must also carry two red reflector lights attached to the rear of the bus.

43. *Ques.* Is there a device which is used by bus drivers to indicate slowing down or stopping?

Ans. Yes, each bus is required to be equipped with some device for imitating the arm signal now required by law to indicate slowing down or stopping.

44. *Ques.* Who inspects the school buses?

Ans. The state director of public service or one of his representatives may at any time inspect any school bus used for transportation of school children, and if he finds that it reveals any defect as to stability, construction, ventilation, or sanitation, he can order its use as a school bus to be

stopped until repairs have been made.

45. *Ques.* Who prescribes the standards of construction and the equipment of school buses?

Ans. A committee consisting of the state superintendent of public instruction, the secretary of the state board of health, the chief of the motor vehicle regulation division, the state director of safety, and the administrative officer of the department of commerce and industry prescribes the standards of construction and equipment and inspects all buses offered for sale or lease to the school officials.

46. *Ques.* In order to provide for the safety of the school children what law was passed concerning the school bus as to the crossing of steam or electric railroad track or tracks?

Ans. The Acts of 1925 made it compulsory for a school bus to come to a complete stop before crossing or entering upon a steam or electric railroad track and for some responsible person to get out and walk ahead to see if the track is clear.

47. *Ques.* In the Acts of 1925 what was said as to the passing of a school bus which has stopped to let off or take on passengers?

Ans. These acts made it unlawful for any other vehicle to pass a school bus while taking on or letting off students, unless this vehicle could be passed at a lateral distance of twenty feet or more.

48. *Ques.* Are school buses allowed to stop on the highways to unload or take on passengers?

Ans. It is unlawful for any school bus to stop on the traveled portion of a highway while loading or unloading passengers where it is safe to stop off the traveled portion of such a highway.

49. *Ques.* Are there any penalties inflicted on the violators of any of these laws pertaining to transportation?

Ans. Yes, there is a definite fine and jail sentence to be placed upon any one of the violators of the laws pertaining to transportation.

VII

Transfer of Pupils

1. *Ques.* Under what conditions may a pupil be granted a transfer?

Ans. Whenever any child can be better accommodated in the public schools of another school corporation, the trustee or school board of the corporation in which such child resides may, upon application of the child's parents or guardian, grant an order of transfer.

2. *Ques.* What determines "better accommodations"?

Ans. Such matters as the proximity of the schools of the township to the residence of the child, character of the roads, means of transportation, and the crowded conditions of the schools shall be considered.

3. *Ques.* If an order of transfer is denied, to whom shall the parent or guardian appeal?

Ans. They shall have the right to appeal to the county superintendent, whose decision shall be final.

4. *Ques.* How are transfer and transportation charges paid?

Ans. These claims shall be paid out of the special school fund or from the tuition fund. The cost of transfers shall be that of the per capita cost per pupil of the school to which said child is transferred.

5. *Ques.* On what basis is the per capita cost calculated?

Ans. The per capita cost shall be calculated upon the basis of expenditures for the schools below high schools.

6. *Ques.* What items are included in school expenditures?

Ans. Salaries of superintendents, supervisors, instructors, and janitors; the cost of fuel, light, printing, and laboratory supplies; and an amount equal to eight per cent of the fair evaluation of the school plant, including all grounds and equipment, the latter amount not to exceed fifteen dollars per pupil.

7. *Ques.* What happens if the trustee or school board refuses to pay tuition for a transfer granted?

Ans. The creditor corporation shall make a written statement of the case to the county auditor who shall have the power

to hear and determine the matter. The unpaid tuition claims shall be adjusted by the state superintendent of public instruction through the apportionment of school revenues.

8. *Ques.* What are the penalties for late payment of tuition for transfers?

Ans. The debtor corporation shall pay the amount of the transfer tuition to the creditor corporation on or before January 1 next following receipt of transfer. In event of failure to pay, a penalty of ten per cent shall attach from and after January 1. If a controversy shall arise, the matter may be appealed to the county superintendent who shall determine the amount to be paid.

9. *Ques.* What shall be the duty of the county auditor in case of non-payment?

Ans. The creditor corporation shall file within thirty days after the expiration of time for payment with the county auditor a certified copy of the decision of the county superintendent and a verified statement showing the balance unpaid at the time of filing and the amount of penalty. The auditor shall at the next semi-annual distribution of school revenues withhold such past due tuition and the penalty thereon from the amount otherwise due the debtor corporation and pay and deliver the amount to the creditor corporation.

10. *Ques.* What are the methods of computing per capita costs?

Ans. The annual per capita cost shall be computed from the average daily attendance and the total expenditures of the current school year as set out in the classified budget forms prescribed by the state board of accounts excluding fixed charges, capital outlay, debt service, and cost of transportation and shall be separately computed for elementary schools, junior high schools, and senior high schools of the creditor corporation.

11. *Ques.* What is the payment for transfers to other states?

Ans. The transferring corporation shall pay to the transferee corporation the full tuition fee charged by the latter, but the amount paid shall not exceed the per cap-

its cost of the transferring corporation for similar instruction, and if the transferring corporation does not provide for similar instruction, then the amount paid shall not exceed the per capita cost for similar instruction in the school corporation in this state nearest to the transferring corporation and furnishing such instruction.

12. *Ques.* What are the methods of determining credits in the settlement of transfers?

Ans. In all settlements of expense of transfers due credit shall be given by the creditor corporation to the debtor corporation for any sums received by the creditor corporation by reason of any distributions of school revenue to the extent of amount of such distributions which are based on the attendance of the pupils of the debtor corporations. The method of determining the amounts of such credits shall be in accordance with provisions of Section 3, Chapter 96, of the Acts of 1933.

13. *Ques.* How are children transferred to orphans' homes?

Ans. Dependent children in orphans' homes shall be educated by the township trustee or school board of the corporation in which such institution is located, and the trustee or school board shall give notice to the school corporation from which said child comes to pay the charges. In event of a transfer of a child from one institution to another, a new transfer certificate shall be issued.

14. *Ques.* What happens if such a transfer is denied?

Ans. If an order of transfer is denied to the school corporation in which the orphans' home is located, the case may be

appealed to the superintendent of schools of the county denying the transfer.

15. *Ques.* What is the penalty for the denial of such a transfer?

Ans. Any township trustee or secretary of a school who refuses to issue transfer to any pupil sent from his schools to orphans' homes for school purposes shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars or more than twenty-five dollars.

16. *Ques.* What are the provisions for the transfer of children of army or navy officers?

Ans. The children of any such officer or enlisted man shall be admitted to any school corporation in the county in which such officers or enlisted men may be on duty. Each child so admitted shall be considered as a transferred child and the transfer tuition of such child shall be paid out of the general fund of the county in which such child resides without an appropriation being made therefor, an allowance being made by the board of commissioners of such county at the same charge as is prescribed by law for tuition when children are transferred from one school corporation.

17. *Ques.* What are vocational transfers?

Ans. High schools that maintain departments of home economics and/or industrial arts and/or agriculture on a level prescribed by the federal vocational law may receive transferred pupils from any high school district not having these departments of study. The state board of education, however, grants these transfers.

VIII

Legislative Control of Indiana Schools

1. *Ques.* Who is legally responsible for the public school system in Indiana?

Ans. The legislative department, subject only to constitutional restrictions, is responsible for providing for public school education and establishing and regulating public schools.

2. *Ques.* What provisions has the legisla-

ture made for variety of kinds of local school districts?

Ans. District, then township, town, city, and joint corporations.

3. *Ques.* To what extent does the legislature have absolute power after it has provided for new and different school units?

Ans. When the legislature has made provision for the creation of new or different

school units, its authority ceases and the school unit is independent of state control or other governmental divisions in the same degree that the original constituent elements of the joint school were independent.

4. *Ques.* What steps has the legislature taken to change the school districts?

Ans. The legislature has provided for the alteration, enlargement, and dissolution of school districts and has placed the responsibility upon the school officials.

5. *Ques.* What are some of the fields covered by statutes which serve as guides in such matters?

Ans. Among the more important provisions are those on compulsory education, attendance age limits, attendance, provision for indigent children, physical examinations, health supervision, employment certificates, transfer, transportation, punishment, suspension, and expulsion.

7. *Ques.* What different kinds of pupil punishment are held to be legal for infractions of school rules?

Ans. Suspension, expulsion, and corporal punishment may be used. The latter type of punishment must be humane and reasonable.

8. *Ques.* What legislative measures have been passed concerning the attendance of colored children in public schools?

Ans. Colored children must be provided with free education. A separate school may be maintained for Negro children which must afford such equal advantages as length of term, quality of instruction, etc.

9. *Ques.* What provisions has the state made to establish teaching qualifications for teachers?

Ans. The teacher training law of 1923 performs this duty.

10. *Ques.* What other powers does the legislature exercise concerning teachers?

Ans. It may also regulate teachers' salaries, provide for tenure, establish pensions, and prescribe form for contract.

11. *Ques.* What legal requirements are made for a teacher to be eligible to teach in the public schools?

Ans. A teacher must be of good moral character and must have obtained a license to teach certain subjects in order to teach in the public schools.

12. *Ques.* What is the power of the legislature over teachers' licenses?

Ans. No teacher shall be employed to teach unless he has a license to teach issued by the proper authority.

13. *Ques.* Upon whom has the legislature placed the power of making a contract with a teacher?

Ans. School boards and trustees as agents of the state make contracts.

14. *Ques.* What legislative enactment clarified the problem of whether a teacher should receive pay when school is closed?

Ans. According to an act of 1909, powers of health officers were extended so that they were given police control in the closing of schools, churches, and public gatherings. In such case, non-performance is excused, and the teacher cannot recover for the time school is closed.

15. *Ques.* Is there any legal provision for a teacher who has contracted for less than the minimum wage scale?

Ans. According to the statutes of Indiana the minimum wage scale is established as well as a graduated scale of wages. A trustee or school board in such a case does not have the authority to contract for less than the minimum wage.

16. *Ques.* May a legally qualified teacher be dismissed?

Ans. The teacher has a right to enter upon the service and have her competency determined by the services rendered.

17. *Ques.* May a teacher's contract be drawn for more than one year?

Ans. Yes.

18. *Ques.* Is there legal provision for renewal of an annual contract?

Ans. A board or trustee has the right to decline to employ or re-employ an applicant for any reason. Neither may enter into a contract for an unreasonable time.

19. *Ques.* What provision was made for a life contract by the law of 1927?

Ans. Any person who has taught for five or more successive years and who shall enter into a contract for further service shall become a permanent teacher.

20. *Ques.* Has any provision been made for the cancellation of a permanent contract?

Ans. The teacher must be notified in writing of a change not less than thirty or

more than forty days before the consideration of a contract and must have a hearing and present evidence in defense.

21. *Ques.* Why is legislation on tenure growing in popularity?

Ans. Many abuses have crept into the school system in the matter of dismissal and removal of teachers.

22. *Ques.* What is the legal status of certification in Indiana?

Ans. All licenses are issued by state authorities and the state retains control over the whole matter of teachers' certification.

23. *Ques.* Are the present laws in Indiana in keeping with modern tendencies?

Ans. Yes. Centralization of the licensing function in state officials is practically accomplished in forty states.

24. *Ques.* What oath or affirmation must be taken by every person who applies for a license or a renewal?

Ans. The legislature has prescribed that each person applying for a position shall swear or affirm to support the Constitution of the United States, the Constitution of the state of Indiana, the laws of the United States and the state of Indiana, respect the flag and the institutions of the United States, shall have reverence for law and order, and undivided allegiance to the government of the United States.

25. *Ques.* What degree of power has been delegated to the state superintendent of public instruction through legislation?

Ans. The legislature has expanded the duties and responsibilities and added other powers until the office is one of great significance.

26. *Ques.* What is the legal status of the county superintendent of schools?

Ans. Much legislation has withdrawn power from the county superintendent and centralized it in the state board of education. He must have had five years of experience and hold a superintendent's license.

27. *Ques.* What legal provision is made for use of school houses for meetings other than school affairs?

Ans. The law provides for the use of school houses for purposes other than school meetings such as public gatherings and other civic and social purposes.

28. *Ques.* What has been the recent tendency of the legislature with reference to the abolishment of the office of township trustee?

Ans. Such action has been considered by five or six legislatures. All such bills have been defeated.

29. *Ques.* What legal provision is made for payment of necessary expenses and office rent of the township trustee?

Ans. The statute provides for payment of necessary expenses and for office rent according to the class in which the township falls. Ninth and tenth classes—office in residence, not to exceed sixty dollars each year.

30. *Ques.* What is the legislative tendency regarding the status of the city superintendent of schools?

Ans. There have been many recent laws stating powers of the superintendent so that he is becoming more an agent of the state instead of an agent of his local board.

31. *Ques.* What is the legal status of school board members?

Ans. They are an administrative body whose duty it is to administer laws relating to the schools. The legislature has the power to increase or decrease their powers.

32. *Ques.* To what extent does the legislature control the selection of textbooks?

Ans. The legislature has the power to pass laws relating to the selection of textbooks.

33. *Ques.* What laws has the legislature made relative to school supplies?

Ans. The legislature has ruled that appliances must be genuine and suitable for the school. It has been placing restrictions and specifying methods of procedure in the selection of supplies.

34. *Ques.* What are the legislative acts which regulate transportation of pupils?

Ans. Children shall be transported who live more than two miles and all children between the ages of six and twelve who live less than two miles and more than one mile from school.

35. *Ques.* What provision did the legislature make for the transfer of children?

Ans. Upon application of the parent or guardian a child may be transferred from one school to another if the child can be given better accommodations.

36. *Ques.* What success has the legislature had in forming a library system?

Ans. The legislature has never established a workable public school library system because the power has been shifted from one board to another.

37. *Ques.* What recent legislation has been enacted with reference to health?

Ans. From 1911 to 1929 every legislature has passed laws safeguarding children's health. Some provisions are: playground act, open air schools, medical inspection for tuberculosis, lunches in schools, and provision of free antitoxin to indigents.

38. *Ques.* What are the powers of the legislature regarding the provision of revenue for supporting schools?

Ans. The legislature may support all the schools of the state by means of a general levy directly made by a legislative act, or may provide for part of the expense of maintaining the schools, or may delegate

to local officers the power to levy such taxes as needed.

39. *Ques.* What does recent legislation reveal with reference to increased power of bonding?

Ans. Bonding laws have been made in the last few years which show people's interest in providing money for schools. They are willing to bond the school unit to the constitutional limit.

40. *Ques.* What important legislation has been made for vocational education?

Ans. In 1917 the Smith-Hughes law was passed which made the federal government a partner of the states in the matter of vocational education.

41. *Ques.* What provision was made for vocational rehabilitation?

Ans. Vocational rehabilitation is designed to fit disabled citizens for remunerative employment. This act was established in Indiana in 1921.

IX

Textbooks

SELECTION

1. *Ques.* Who shall select textbooks?

Ans. The state board of education shall constitute a board of commissioners for the purpose of choosing textbooks, or for securing the compilation of such for use in the common schools of the state.

2. *Ques.* What special stipulations shall be made in selection of such books?

Ans. (1) The material contained in the readers shall consist of lessons commencing with simple expressions and advance gradually in difficulty.

(2) Books shall contain no partisan or sectarian material.

(3) Books shall be at least equal in size and quality as to matter, material, style of binding, and execution to standard textbooks.

3. *Ques.* What method is used in such selection?

Ans. The board of commissioners shall advertise for twenty-one consecutive days, in two daily papers published in this state, having the largest circulation, that at a time and place to be fixed by said notice,

and not later than six months after the first publication, the board will receive sealed proposals.

4. *Ques.* From what sources are the bids received?

Ans. (1) Sealed proposals may be received from publishers of school books for furnishing books to the school trustees of the state.

(2) Sealed proposals may also be received from authors of school textbooks who have manuscripts not published, accompanied by price of manuscripts and copyright of such books.

(3) Proposals may also be received from persons who are willing to undertake the compilation of a book, or books, or a series of books.

5. *Ques.* What information must be furnished in bids from publishers?

Ans. (1) The specific price must be stated.

(2) Specimen copies of all proposed books must be furnished.

6. *Ques.* By what provisions does the state protect itself from proposals?

Ans. (1) All bids made by publishers must be accompanied by a bond for fifty thousand dollars, with resident free-hold security accepted and agreed upon by the governor, conditioned that if any contract be awarded to any underbidder, such bidder will agree by contract to perform the conditions of his bid to the satisfaction of the board.

(2) No bid shall be considered unless it be accompanied by the affidavit of the bidder that he is in no wise connected with any other publisher or firm bidding at the same time, nor has any pecuniary interest in any other firm.

(3) If any competent author shall compile books and offer the same as a free gift to the people of the state, together with the copyright and the right to manufacture and sell such works, it shall be the duty of the board to pay no money for any manuscript or copyright for such books, and it shall have the right to reject all bids, and at its option such board shall have the right to reject any bid.

7. *Ques.* What shall be the procedure regarding the disposal of bids?

Ans. (1) The board shall meet and open and examine all sealed bids.

(2) The board shall make a thorough examination, shall consider the size and the quality as to context, material, binding, etc. In the light of these factors the board shall then select such texts as the law requires or permits.

8. *Ques.* What formal means is used to announce the choice of school books?

Ans. The governor announces the selection of textbooks.

COST OF TEXTBOOKS

1. *Ques.* What means of protection is taken by the state regarding the cost?

Ans. The board shall not contract with any author or publisher for a book, manuscript, or copyright which shall be sold to patrons at a price above or in excess of the lowest contract selling price any place in the United States, which price shall include all costs and transportation charges.

2. *Ques.* What action would be taken if the contractor should contract to sell elsewhere the same books at a lower price?

Ans. The contractor would be forced to

use a lower price in all future sales in Indiana.

3. *Ques.* What course shall be pursued if he refuses to make a reduction?

Ans. If the contractor refuses such a reduction, the governor has the power to investigate, and if conditions are found to be as charged, the Indiana contract shall be cancelled and new books advertised for.

4. *Ques.* For what length of time shall a contract be made under such provisions?

Ans. No contract shall be made for a period exceeding five years.

5. *Ques.* Does such a ruling affect any contracts now existing?

Ans. Nothing shall be construed as affecting any contracts now existing.

UNIFORMITY OF TEXTBOOKS

1. *Ques.* What provision shall be made for uniform textbooks?

Ans. The state board of education shall form a board of commissioners to select single textbooks in some subjects and elective texts in others.

2. *Ques.* What provision shall be made for books for subjects not included which may be included in later curricula?

Ans. Whenever any high school shall determine to teach such subjects, and, whenever such selection is made by said board, the textbook so selected shall be used in all high schools in Indiana that teach those subjects.

LEVELS OF INSTRUCTION

1. *Ques.* For what levels of instruction shall textbooks be chosen in Indiana?

Ans. (1) Textbooks shall be chosen for the elementary schools in the following subjects: spelling, reading including primer, arithmetic, geography, English grammar, physiology, history of the United States, domestic science, agriculture, and industrial arts, and a graded series of writing books.

(2) The state board of education shall select single texts in the following: algebra, geometry, commercial arithmetic, history (United States, ancient, medieval, and modern), civil government, physical geography, commercial geography, history of English literature, English composition, and rhetoric.

(3) It shall also select multiple lists of four books in the natural sciences.

2. *Ques.* What are the laws concerning the name and price of books on cover?

Ans. The name of the adopted book shall appear on the outside of the first cover, and upon the outside of the back cover the price shall be stated. This shall not apply to copy books.

SALE OF BOOKS

1. *Ques.* How shall the distribution of books be made?

Ans. The county superintendent in each county shall appoint one or more dealers within the county to act as a depository. These depositories must at all times carry a sufficient supply of textbooks.

2. *Ques.* What evidence of financial responsibility must be given by such dealers?

Ans. Each dealer or agent shall furnish each publisher satisfactory evidence of his financial responsibility or furnish a surety bond covering the estimated amount of sales.

3. *Ques.* What requirements shall be made of contractors if their bonds have become insufficient?

Ans. If the state board of school book commissioners shall find that the bond of any contractor has become insufficient, such contractor shall be required to furnish new and sufficient bond to secure the execution of such contract, and upon failure of any such contractor to do so within thirty days after being notified, the board shall give notice to the attorney-general who shall bring suit to cancel such contract and serve a summons upon the agent of the contractor, for which service the attorney-general shall receive a nominal fee.

4. *Ques.* What are the laws regarding the purchasing and ordering of books by dealers?

Ans. Dealers must pay cash for all books received within sixty days after the shipment of such books. The dealer shall ascertain in June the number of books needed for the coming school year and place his orders by July 1.

5. *Ques.* What other persons are authorized to sell textbooks?

Ans. The board of school book commissioners, board of school trustees, township trustees, county boards of education, or boards of school commissioners are authorized to purchase textbooks from pub-

lishers at the net wholesale or contract price and sell to pupils at such a price plus the cost of handling, which shall not exceed twenty per cent of the net wholesale or net contract price.

6. *Ques.* What provision shall be made for the cessation of the sale of books upon the expiration of the last contract?

Ans. The governor shall proclaim that that it shall no longer be the duty of school officers to deal in school books, and no part of the expense shall be borne by any school officer or corporation.

REVISION OF TEXTBOOKS

1. *Ques.* What procedure shall be instituted for revision of books or introduction of intermediate books?

Ans. Whenever the contractors for furnishing books shall have filed with the state superintendent of public instruction their consent in writing to revision, or to any intermediate book written by them, and the state board of school book commissioners shall determine that a revision is needed, then that body shall order a revision.

2. *Ques.* What method shall be used for the selection of authors and cost of revision?

Ans. (1) The board of school book commissioners shall select competent authors to perform the revision.

(2) The entire cost must be paid by the contractors and the state board of school book commissioners before the work of revision is commenced.

3. *Ques.* What decision shall be made if the board and bidders cannot agree after sixty days?

Ans. The state board shall advertise for bids from publishers of school books if the cost cannot be agreed upon.

4. *Ques.* How much time shall be given for revision?

Ans. (1) Sufficient time shall be given.

(2) Six months shall be given for making illustrations, maps, manufacturing, and shipping to various corporations, before any contractor shall be required to furnish books.

5. *Ques.* What shall be the means to minimize requisitions for books so stocks will be disposed of?

Ans. The state board of school book commissioners shall give notice to the county

superintendents, township trustees, and school boards at least twelve months in advance of the time when new books shall be used. They, in turn, shall notify all dealers thus enabling them to dispose of extra books.

6. *Ques.* What further steps shall be taken to enable the state superintendent to determine a plan of ordering books in anticipation of the expiration of an existing contract?

Ans. It shall be the duty of the contractor to furnish to the state superintendent a copy of the quarterly verified reports made by county superintendents giving the number and kind of books on hand with the various dealers and township trustees and school boards. All classes shall be allowed to complete books before being compelled to buy new or revised ones, even though the time for selling such books has expired.

7. *Ques.* What time limits shall be set for revisions?

Ans. Revision shall not be required oftener than once in every ten years, except in the cases of copy books, histories, and geographies, which shall not be required to be revised oftener than five years.

8. *Ques.* By what means may a contract be cancelled if satisfaction is not given?

Ans. The board of school book commissioners shall have the right by a vote of two-thirds of its members to cancel the contract for the use of a book at the end of five years if satisfaction is not given.

FREE TEXTBOOKS

1. *Ques.* May a school corporation furnish free textbooks?

Ans. An act of the General Assembly (1935) enables school corporations to furnish free textbooks when fifty-one per cent of the registered voters of a given corporation shall petition for such service.

2. *Ques.* What shall be the form of a petition for such a library?

Ans. When such a library is desired, a petition of certain form must be signed in ink or indelible pencil with street number and date included. An affidavit must be attached stating that each signature was made in the presence of the circulator.

3. *Ques.* What shall be the method for checking such petitions?

Ans. Such names shall be checked against the voters' registration records. Votes of persons who have moved shall not count unless registrations have been transferred to proper district.

4. *Ques.* At what time shall the petition be filed?

Ans. The petition shall be filed on or before July 1 after which the school corporation shall obligate itself to provide and maintain a library.

5. *Ques.* What shall constitute the rules for use of the library?

Ans. (1) Books shall be available to to any resident pupil in grades one to eight, inclusive, at any time free of charge.

(2) Pupils shall be responsible for all damages, mutilations, defacement, or failure to return books.

6. *Ques.* What shall be the means of securing the money for the purchase of books?

Ans. A tax shall be levied each year at a sufficient rate to produce a fund known as a school book fund, necessary to purchase books as needed. The first levy shall be made in September.

7. *Ques.* What shall be the standard health requirements?

Ans. Books shall be fumigated or destroyed as prescribed by local or state health authorities.

SALE AND RENTAL OF TEXTBOOKS

1. *Ques.* What provisions shall be made for those who wish to purchase textbooks?

Ans. School authorities shall be authorized to provide books for those who wish to purchase them. Such funds shall be paid into the fund providing the authorities shall purchase secondhand books from resident pupils. They shall also purchase any stock of books from any dealer located in the same county at the original contract price.

2. *Ques.* What provisions shall be made for children who wish to rent books?

Ans. School authorities shall be allowed to purchase textbooks and rent them to pupils at a rental not to exceed twenty-five per cent of the regular price.

3. *Ques.* What arrangements shall be made for furnishing books for children transferred to other districts?

Ans. (1) A sufficient supply of books may be purchased to accommodate each pupil transferred.

(2) In settling for tuition due, there shall be included amounts due for rental of textbooks or workbooks.

X

Teacher Education and the Status of Teachers

TEACHERS AND TEACHER TRAINING
IN INDIANA

1. *Ques.* What is the nature of the teacher education system of Indiana?

Ans. The General Assembly of 1923 passed a law centralizing teacher education in the state board of education and the state superintendent of public instruction. This law replaced all earlier laws, under which the certification of teachers was vested in the various county superintendents and in the state board of education and was based on small amounts of training. The law of 1923 repealed all the then existing laws regarding teacher-education.

2. *Ques.* Who issues licenses for teaching and administration?

Ans. The state board of education, through the state superintendent of public instruction, issues the licenses of all superintendents, supervisors, principals, elementary and secondary teachers, and attendance officers.

3. *Ques.* Upon what basis are such licenses issued?

Ans. Licenses are now issued upon the basis of training and experience.

4. *Ques.* What types of training and licenses are recognized in the law of 1923?

Ans. The following types are recognized:

(1) Superintendent's license, first, second, and third grades.

(2) Supervisor's license, first and second grades.

(3) High school principal's license, first and second grades.

(4) Elementary school principal's license, first, second, and third grades.

(5) High school teacher's license, first and second grades.

(6) Special high school teacher's license, first and second grades.

(7) Junior high school teacher's license, first grade.

(8) Elementary school teacher's license, kindergarten teacher, first grade.

(9) Primary teacher's license, first and second grades.

(10) Intermediate grade teacher's license, first and second grades.

(11) Grammar grade teacher's license, first and second grades.

(12) Rural school teacher's license, first and second grades.

(13) Special elementary teacher's license, first grade.

5. *Ques.* What is the difference in these grades of licenses?

Ans. (1) For all teachers obtaining licenses *after* the passage of this law, the difference in the grades is the amount of training completed.

(2) For all teachers holding licenses *before* the passage of this law, the kind of license given them in exchange under the 1923 law was determined by the type of position previous to the passage of the 1923 law.

6. *Ques.* Are all these grades of licenses still issued?

Ans. No. Only first grade licenses are now issued.

7. *Ques.* What are the training requirements for the licenses?

Ans. Superintendents, principals, and supervisors must have one year of graduate work and will receive a first grade license when this year of graduate work is completed, subject to certain other conditions given in the law. The minimum requirement for high school teachers is the graduation from a four-year course; for elementary teachers, completion of a two-year course.¹³

8. *Ques.* Where may one get the training?

Ans. To receive a license one must do the work prescribed for the various licenses in those colleges or professional depart-

¹³The state board of education has adopted a resolution which will require *four years* of standard training for an elementary license after September 1, 1940.

ments of normal schools, colleges, or universities that are accredited to do teacher training by the state board of education. This body also recommends and approves courses of study for the training of the kinds of teachers and administrators specified under question 4 above.

9. *Ques.* What other things are required before a license is issued?

Ans. Every person who applies for a license or any renewal thereof shall subscribe to an oath to support the Constitution of the United States of America, the Constitution of the state of Indiana, and the laws of the United States and the state of Indiana, and to by precept and example, promote respect for the flag and the institutions of the United States and state of Indiana, reverence for law and order, and undivided allegiance to the government of the United States of America. Each applicant shall also present a certificate that the applicant is able-bodied, not addicted to drugs, not intemperate, and free from tuberculosis and syphilis.

10. *Ques.* For how long are the licenses valid?

Ans. Each of the licenses is valid for five years, renewable thereafter for life on presentation of evidence of three years successful teaching experience and professional spirit.

11. *Ques.* When the training requirements were raised, were any licenses invalidated?

Ans. The policy of Indiana has been to accept training and experience up to the time set for the new requirements to go into effect. Provisions having been made for the exchange of licenses, none was invalidated. Even though further training might have been necessary, the teachers in service were given the opportunity to prepare for higher certificates by doing summer work and extension work.

12. *Ques.* May higher requirements than those to get a license be imposed?

Ans. Any county board of education or board of school trustees may impose higher requirements as a condition of employment, but no other authority than the state law or the state board of education can impose additional training for securing licenses.

13. *Ques.* What is the present tendency in Indiana in respect to the standards for teacher training?

Ans. The tendency is to raise the standards. Even though the statutory requirement for an elementary license is two years training, the state board of education has ruled that after 1940 the minimum training requirement for such license shall be four years.

14. *Ques.* Summarize the duties of the state board of education with reference to teacher education.

Ans. (1) Under the authority vested in this board by the law of 1923, it may pass such rules and regulations as may be necessary to put the law into effect and may impose additional standards, if they do not conflict with the original law itself.

(2) It may set up curricula in the fields of each of the licenses already enumerated and recommend or require their use by the institutions offering training.

(3) It may inspect institutions applying for accreditation as training institutions and accept or reject such application.

(4) It shall issue licenses of the proper kind on the recommendation of the training institutions.

(5) It shall keep accurate record of all licenses issued.

(6) It may revoke licenses for proper cause.

15. *Ques.* Do Indiana standards for the training of teachers compare favorably with the standards of other states?

Ans. Indiana ranks in the upper fifteen per cent.

STATUS OF TEACHERS

1. *Ques.* Who may be employed to teach school?

Ans. Although the local school officers are the employing officials, they must not contract with teachers who have not met the state's requirements.

2. *Ques.* When is a teacher's contract valid?

Ans. The contract to be valid must be in writing. To recover on such contract all blanks must be filled in.

3. *Ques.* May a teacher's contract be drawn for more than one year?

Ans. A teacher's contract may be drawn for more than one year. It is un-

lawful, however, for any township trustee to contract with any teacher if the actual term of service of such teacher under such contract does not begin before the expiration of the term of office of such trustee.

4. *Ques.* May a teacher contract to teach for less than the minimum wage?

Ans. It is a misdemeanor punishable by a fine of not to exceed one hundred dollars for any school officer to pay any teacher less than the minimum wage. If a teacher should make a contract to teach for less wages than is fixed by statute, such teacher is entitled to and can recover the wages the statute requires.

5. *Ques.* What is the minimum wage?

Ans. The minimum wage for a beginning high school teacher is one hundred twenty-five dollars per month for a minimum term of eight months. Two dollars and fifty cents per month is to be added for each year of experience up to and including the fourth additional year. The minimum wage for a teacher with seventy-two weeks training is one hundred dollars per month with two dollars and fifty cents per month added for each year of experience up to and including the fourth additional year. Two dollars and fifty cents is also to be added for each eighteen weeks of additional professional training until such teacher has completed one hundred forty-four weeks of such training.

6. *Ques.* May a teacher collect pay when schools are closed?

Ans. If through no fault of the teacher school cannot be held, such teacher shall receive regular payments during the time school is closed. The Supreme Court has held, however, that when the schools are closed by the health officer, the teacher cannot recover wages for the time school is closed.

7. *Ques.* May a teacher recover on a contract which provides for compensation in excess of the minimum?

Ans. If the trustee does not have the money to pay the full contract price, the teacher cannot recover more than the minimum wage.

8. *Ques.* Must a teacher comply fully with the terms of the contract to receive his full salary?

Ans. Until all the required reports have

been turned in, the teacher cannot recover more than three-fourths of his wages unless the trustee has waived the reports.

9. *Ques.* Is a teacher entitled to pay for attending institutes?

Ans. The statute provides that for attending the county institute the teacher be paid five dollars per pay. Three days are allowed in any one year to attend other institutes or meetings for which each teacher receives pay equal to the per diem of such teacher.

10. *Ques.* May a teacher be dismissed without cause?

Ans. A teacher cannot be dismissed without cause in areas that are under tenure. In areas that are not under tenure, teachers may be refused a recontract without cause.

11. *Ques.* What teachers may now become permanent teachers?

Ans. The tenure law now applies only to school towns and school cities. Even the township teachers who between 1927 and 1933 became permanent teachers were deprived of this status by a decision of the Supreme Court of Indiana. This case was appealed to the Supreme Court of the United States by the complainant in the case. Recently this latter court has reversed the decision of the state court.

12. *Ques.* How may one become a permanent teacher?

Ans. Upon signing the sixth contract after five successive years of service one becomes a permanent teacher. It is an opinion of the attorney-general that the contract which becomes an indefinite one must be entered into without intermission immediately after the five or more successive years of service.

13. *Ques.* For what reasons may a permanent teacher's contract be cancelled?

Ans. Cancellation of such a contract may be made for incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions, or other good and just causes, but may not be made for political or personal reasons.

14. *Ques.* May the salary of a permanent teacher be reduced?

Ans. Yes.

15. *Ques.* What provisions are made for leaves of absence?

Ans. Any school corporation, upon written request, may grant leaves of absence, for periods not to exceed one year, to any permanent teacher. Any school corporation may place a permanent teacher on leave of absence for one year because of physical or other disability.

16. *Ques.* What are the duties of a teacher?

Ans. Teachers are supposed to teach their pupils not only in the subjects but also in citizenship. They are subject to selection, control, and dismissal by school officials who may enforce any reasonable rules and regulations designed to promote the welfare of the schools under their control.

17. *Ques.* What authority does a teacher have in matters of discipline?

Ans. The teacher may exact compliance with all reasonable commands and enforce obedience by inflicting corporal punishment, in a kind, reasonable manner, upon a pupil for disobedience. There seems to be a growing sentiment against such punishment, and the teacher should know that his rights to punish a child are re-

stricted to the limits of his jurisdiction and responsibility as a teacher.

18. *Ques.* Is the teacher protected from insults?

Ans. The statute provides that if any parent, guardian, or other person from any cause, fancied or real, visits a school with the avowed intention of upbraiding or insulting the teacher in the presence of the school and shall so upbraid or insult the teacher, such person for such conduct shall be liable to a fine of not more than twenty-five dollars.

19. *Ques.* May a teacher or principal expel a pupil?

Ans. No teacher or principal may legally expel a pupil. Such action must be taken by trustees and school boards.

20. *Ques.* May a teacher's license be revoked?

Ans. The state board of education may, upon the written recommendation of the state superintendent of public instruction, revoke any license for immorality, misconduct in office, incompetency, or wilful neglect of duty. The defendant, however, is given a copy of the charges against him and an opportunity, upon not less than ten days' notice, for a public hearing.

XI

Vocational Education

1. *Ques.* What is meant by "vocational education"?

Ans. Vocational education includes any type of education which is designed for the purpose of fitting individuals for profitable employment.

2. *Ques.* What types of curricula are included in vocational education?

Ans. Industrial, agricultural, and home economics education are recognized as a part of the vocational program.

3. *Ques.* What types of adult curricula or extra public school programs are included in vocational education?

Ans. There are two types: (1) Industrial, agricultural, and home economics evening classes.

(2) Industrial, agricultural, and home economics part-time classes.

4. *Ques.* Under what federal laws do

these types of vocational education operate?

Ans. They operate under the Smith-Hughes and George Deen laws for vocational education.

5. *Ques.* What federal board or committee controls the national administration of these laws?

Ans. The federal vocational education board.

6. *Ques.* Under what laws do these types of vocational education operate in Indiana?

Ans. They operate under the following:

(1) Vocational education law of 1913;

(2) Vocational schools for first class cities (1915);

(3) Vocational schools in townships (1913 and 1925);

(4) Appropriations for salaries of teachers and supervisors (1913 and 1935);

- (5) Agricultural extension (1913);
(6) Manual training in cities of 50,000-100,000 (1903); and
(7) Vocational rehabilitation act (1921).

7. *Ques.* To what extent do the federal Smith-Hughes and George Deen laws affect the Indiana vocational schools?

Ans. These laws affect vocational schools in Indiana in the following ways:

(1) The federal government pays not to exceed one-third of the salaries of vocational teachers and supervisors.

(2) Each state sets up a plan for vocational education every five years. These plans are made by the states in accordance with the needs in the individual states for the program of vocational education in the three fields: agriculture, trades and industry, and home economics. These plans include course offerings and time allotment. They are submitted to the United States Office of Education for approval.

8. *Ques.* Who may establish vocational schools?

Ans. Any school corporation may establish a vocational school or a vocational program in its public schools. They are established through the board of school trustees, the school commissioners, or the township trustees.

9. *Ques.* How are vocational schools or vocational programs maintained?

Ans. All vocational programs may be maintained in any one of the three ways:

- (1) Common school fund.
(2) A special tax levy for vocational funds which does not exceed ten cents per one hundred dollars taxable property.
(3) A combination of these two plans.

10. *Ques.* What specifications are made in the Indiana school law regarding part-time or evening classes?

Ans. All such classes shall be under college grade and shall be designed for persons who will be able to profit by the instruction. The minimum age for part-time classes is fourteen, while the minimum age for evening classes is sixteen.

11. *Ques.* What are the duties of the state board of education in regard to vocational education?

Ans. The state board of education is authorized to do the following things:

- (1) To investigate and aid in the intro-

duction of industrial, home economics, and agricultural education.

(2) To aid cities, towns, and townships to initiate and superintend the establishment and maintenance of schools and departments for vocational education.

(3) To aid in establishing and maintaining vocational teacher-training classes.

(4) To supervise and approve such schools and departments for teacher training.

(5) The state board of education shall make a report annually not later than September first to the governor and biennially to the General Assembly describing the conditions and progress of vocational teacher training and industrial, agricultural, and home economics education; shall account from reports made annually not later than August fifteenth by the custodian of the state and federal vocational education funds for all money received and expended from state and federal vocational funds; and shall make such recommendations as it may deem advisable for the proper promotion of the work.

12. *Ques.* What person or persons direct the vocational program in Indiana?

Ans. The state director of vocational education and his assistants direct the vocational program. The director is appointed by the state superintendent of public instruction upon the approval of the state board of education. The state board is further authorized to cooperate with Purdue University in appointing some one as vocational director who is actively connected with the agricultural extension work at that institution.

13. *Ques.* How is a vocational school or vocational department of the public school approved?

Ans. The approval of a vocational school or department rests upon the following factors:

- (1) Organization of the work;
(2) Buildings;
(3) Location;
(4) Equipment;
(5) The courses of study;
(6) Qualifications of the teachers;
(7) Length of term;
(8) Methods of instruction;
(9) Conditions of admission;

(10) Employment of pupils; and

(11) Expenditures of money.

14. *Ques.* What is the rate of reimbursement of approved vocational schools or departments?

Ans. This reimbursement is for the purpose of aiding in the maintenance of all approved vocational programs. The state pays annually to the school cities, towns, and townships maintaining such approved programs an amount not to exceed one-third of the sum expended for instruction in vocational classes. School cities, towns, and townships that have aid claims for tuition in approved vocational schools shall be reimbursed not to exceed one-third of the sum expended in payment of such claims.

15. *Ques.* May the board of education or the township trustee compel all persons between the ages of fourteen and sixteen to attend vocational classes?

Ans. If the school board or township trustee has established vocational schools and has instruction established in part-time classes, persons over fourteen and under eighteen years of age who are engaged in regular employment may be required to attend the part-time classes for not less than four or more than eight hours per week between 8:00 A. M. and 5:00 P. M. during the school term.

16. *Ques.* How may two or more schools combine to form cooperative vocational schools?

Ans. Whenever two or more school corporations shall combine to establish a cooperative vocational school, they shall determine and apportion the cost among the cities, towns, or townships cooperating. The presidents of such school boards of cities or towns and the township trustees of the townships cooperating shall constitute a board for the management of the schools or departments and may adopt for a period of one year or more a plan of organization, administration, and support for each school or department. If approved by the state board of education, it shall constitute a binding contract between the school corporations and shall be cancelled or annulled only by a vote of a majority of the board and such annulment must be approved by the state board of education.

17. *Ques.* What constitutes the courses of study in an approved vocational program?

Ans. (1) Vocational agriculture shall be taught in the grades in all town and township schools to pupils fourteen years of age or above.

(2) Vocational industrial arts shall be taught in the grades in city and town schools to pupils fourteen years of age or above.

(3) Vocational home economics shall be taught in the grades of all city, town, and township schools to pupils fourteen years of age or above.

The state board of education or its representatives shall outline a course of study for each of the courses on the various grade levels. All teachers required to teach elementary vocational agriculture, industrial arts, or home economics shall hold a Smith-Hughes license in such subjects.

18. *Ques.* Who composes the advisory board and what are its duties?

Ans. The board of education or township trustee administering approved vocational schools or departments shall appoint an advisory committee composed of members representing local trades, industries, and occupations. It shall be the duty of this committee to advise and counsel with the board of education or township trustee regarding the management and supervision of such schools or departments.

19. *Ques.* Who shall be admitted to vocational schools?

Ans. Any resident of any city, town, or township in Indiana may make application for admission into a vocational school of another city, town, or township, if such a school is not maintained in his own city, town, or township. The state board of education may approve or disapprove such applications. In making such a decision, the board must take into consideration the opportunities for free vocational training offered in the community in which the applicant resides, the financial status of the community, the age, sex, preparation, aptitude, and previous record of the applicant, and all other relevant circumstances.

20. *Ques.* How shall claims for reimbursement be made?

Ans. Any school city, town, or township having claims for reimbursement against

the state shall present the same to the state board of education on or before June first of the year immediately following the completion of the work for which they are entitled to reimbursement from the state. The state board shall then approve the claim and authorize its payment by the auditor of the state.

21. *Ques.* How may a county vocational agent be appointed and what are his duties?

Ans. When twenty or more residents of a county who are interested in agriculture shall file a petition with the county superintendent for a county agent together with a deposit of five hundred dollars to be used in defraying the expenses of the agent, the county superintendent shall file the petition with the county council, which body shall appropriate annually not less than fifteen hundred or more than four thousand dollars to be used in paying salary and expenses of the agent. When the county appropriation has been made, a county agent will be appointed from Purdue University. The appointment will be for one year.

His duties are:

(1) To cooperate with the farmers' institute, farmers' clubs, and all other such organizations.

(2) To conduct practical farm demonstrations.

(3) To conduct boys' and girls' club work.

(4) To give advice to farmers on practical farm problems.

(5) To aid the county superintendent and vocational teachers.

22. *Ques.* May persons of another state be admitted to an Indiana vocational school?

Ans. Any non-resident of the state of Indiana, upon receipt of payment of a reasonable laboratory and shop and tuition fee, shall be admitted to an Indiana vocational school. The tuition fee shall be based upon the cost of the school excluding the eight per cent included in interest on bonds, capital invested, equipment, or other obligations.

23. *Ques.* Under what conditions are township vocational departments erected?

Ans. Whenever twenty-five per cent of

the legal voters of any township, having an established high school, shall petition the township trustee for the erection, construction, and equipping of a room or building upon the grounds of the high school, the township trustee is authorized to provide for such a room or building. The rooms or building shall be used for the purpose of instruction in agriculture, science, home economics, physical culture, practical mental culture, or to hold any school social entertainments of the school or township. The trustee is authorized to levy taxes sufficient to raise the necessary funds with which to maintain the building and to pay part of the teachers' salaries.

24. *Ques.* How shall bonds be issued for the construction of such a room or building?

Ans. The township trustee and the advisory board may sell bonds sufficient to pay for the construction and equipment of such a room or building and to levy a tax sufficient to pay for the bonds. The bonds must be in equal series and shall come due one each year for a period of ten years. An amount not greater than one per cent of the total taxable property can be used for this purpose.

25. *Ques.* May buildings be bought for vocational purposes?

Ans. Whenever fifty per cent of the legal voters of a township shall petition the trustee for the purchase of any building to be used for the above purposes, the trustee and the advisory board are authorized to buy such building or property for the price and upon the terms agreed upon by the trustee and the advisory board.

26. *Ques.* How are the funds for such a purchase raised?

Ans. The trustee, with the sanction of the advisory board, may sell bonds to the amount sufficient to pay the purchase price and for the equipment necessary. He then is authorized to levy a tax to retire the bonds. The restrictions as to the type of bond and the percentage of taxable property he may bond are the same as those provided for the building of a new room or building.

27. *Ques.* May such a room or building be rented or leased for certain purposes?

Ans. Any trustee is given power to rent or lease any part or parts of the building not needed for township purposes, and he may rent or lease a part or all of the building for special exhibits, entertainments, or other purposes. The money thus received is to become a part of the fund used for maintaining the building.

28. *Ques.* When did Indiana accept the federal vocational act of Congress?

Ans. Indiana accepted the act of Congress in 1917. It accepted the federal promise to make appropriations for salaries of teachers in agriculture, industrial arts, and home economics and to make appropriations for the training of teachers of vocational subjects.

29. *Ques.* Who is the Indiana custodian for the federal funds?

Ans. The state treasurer is the custodian of these funds.

30. *Ques.* What are the duties of the state board of education in regard to the federal law?

Ans. The state board of education is designated to carry out the provisions of the federal law in so far as they relate to the state. It also has the power to take all necessary steps in the formation of plans for the promotion of education in agriculture, trades and industries, and home economics and to formulate and execute plans for the preparation of teachers of vocational subjects.

31. *Ques.* What new type of extension work is provided for in the agricultural extension law of 1931?

Ans. This law provides that if a petition is signed by not less than one hundred tax payers living in a county (not less than five of whom are from each township) the county shall appropriate funds for paying salaries of the boys' and girls' 4-H club agent and home demonstration agent or teacher.

32. *Ques.* What special law provides for the establishment of manual training schools in cities?

Ans. An act of 1903 provides that in

cities from 50,000 and to 100,000 population, the school board may establish a vocational school in connection with the established schools. Industrial arts, manual training, and home economics shall be taught and the pupils shall be given instruction in the use of tools, mechanical implements, principles of mechanical construction and drawing, and the elementary principles of home economics.

33. *Ques.* What is meant by vocational rehabilitation?

Ans. When any person is injured to such an extent that he can no longer pursue his present occupation, he may apply for state or federal aid in learning a new occupation. The training may be in any vocational field in which the individual is physically and mentally qualified.

34. *Ques.* Who is the custodian and what are the duties of the custodian for vocational rehabilitation?

Ans. The state treasurer is the custodian for all federal and state funds for this purpose. He is authorized to make payments when ordered by the state board and the auditor of the state.

35. *Ques.* What are the duties of the state rehabilitation board?

Ans. (1) To cooperate with the federal board in carrying out the provisions and purposes of the acts.

(2) To prescribe and provide such courses of vocational training as may be necessary.

(3) To provide for the supervision of such training.

(4) To fix the compensation of the assistants.

(5) To administer the use of all funds provided by both the federal and state governments for this work.

36. *Ques.* Are gifts and donations accepted for this fund?

Ans. All gifts and donations are accepted and become a separate fund called the special fund for vocational rehabilitation, which is used for special cases including necessary expenses of persons undergoing the training.

XII

Indiana State Teachers' Retirement and Pension Fund

1. *Ques.* For what purpose was the teachers' pension fund created?

Ans. There shall be and is hereby created a fund to be known and designated as the Indiana State Teachers' Retirement Fund to be used and applied in payment of annuities to persons engaged in teaching or in the supervision of teaching in the public schools of the state after stated periods of service or for such other causes and under such conditions as are herein-after set forth.

2. *Ques.* What constitutes the teachers' retirement fund?

Ans. The total fund consists of three distinct funds:

(1) *The annuity savings account* consists of the contributions from teachers and the earnings from this sub-fund.

(2) *The pension reserve account* consists of the contributions made by the state.

(3) *The permanent account* consists of:
(a) all gifts, devises, grants and bequests in money, property or other form; (b) all other money or property derived from any other source.

3. *Ques.* What is the nature of the state tax levy providing for the teachers' retirement fund?

Ans. In the year 1925, and annually thereafter, the state board of tax commissioners with the approval of the governor and the auditor of the state, shall fix a tax levy for the Indiana State Teachers' Retirement Fund which will be sufficient to provide the necessary revenue to cover the estimated liability incurred and assumed by the state.

4. *Ques.* For membership in the state teachers' retirement fund, what does the term "teacher" include?

Ans. (1) The term "teacher" includes the superintendent of schools, assistant superintendent, the principal, any assistant principal, supervisor, assistant supervisor, any person in charge of any special department of instruction, teacher-clerk, and any teacher or instructor regularly employed as such by any board of school trustees.

(2) It also includes any teacher in any public state normal school supported by public money.

(3) It includes the employees in the office of the state superintendent and in the office of the retirement fund who were qualified under this act previous to their election or appointment.

(4) It also includes the secretary to the president and the assistant librarian of Indiana State Normal School.

5. *Ques.* What shall be the scale for the assessment of the teachers of the state of Indiana?

Ans.

| Age of Beginning Service | Annual Rates |
|--------------------------|--------------|
| 18 | \$32.45 |
| 19 | 34.06 |
| 20 | 35.77 |
| 21 | 34.89 |
| 22 | 34.01 |
| 23 | 33.12 |
| 24 | 32.22 |
| 25 | 31.33 |
| 26 | 30.43 |
| 27 | 29.53 |
| 28 | 28.63 |
| 29 | 27.73 |
| 30 | 26.83 |
| 31 | 25.94 |
| 32 | 25.04 |
| 33 | 24.15 |
| 34 | 23.27 |
| 35 | 22.38 |
| 36 | 21.51 |
| 37 | 20.65 |
| 38 | 19.77 |
| 39 | 18.90 |
| 40 | 18.04 |

No teacher who has forty years of service may be assessed after becoming sixty years of age.

6. *Ques.* How is the board for the teachers' retirement fund organized?

Ans. The board of trustees shall meet for the first time on the first Monday of August, 1915, and at this time annually thereafter upon call of the president of the board in the office of the state superintendent, who shall notify members of said meetings and act as temporary chairman

thereof. This board shall organize by election from its members a president, vice-president, and a secretary, each of whom shall serve for one year or until his successor is regularly elected. This board may employ assistant secretaries or clerks if necessary. The majority of the board shall constitute a quorum at any meeting for the purpose of transacting business.

7. *Ques.* To whom does a teacher make application for a pension?

Ans. The board of trustees of the Indiana State Teachers' Retirement Fund shall receive and pass upon all applications for annuities or benefits under this act. It may summon witnesses, order medical examinations, select or approve physicians for such examinations, and conduct all reasonable investigation to enable it to determine intelligently the justice of any claim submitted.

8. *Ques.* For what reasons may the pension be withdrawn?

Ans. Whenever any person receiving any benefits from this fund shall be convicted of any felony, or anything for which he or she shall be imprisoned, or shall fail to report for examination as required herein, unless excused by the board, or shall disobey the requirements of such board in respect to this examination, then such board may order that the annuity paid to him or her shall cease.

9. *Ques.* Who appoints the board of trustees?

Ans. This board shall be composed of five members who shall be appointed by the governor of the state and not more than two of whom shall be teachers.

Appointment shall be made between the first and fifteenth days of June. The term of office for trustees so appointed or designated shall begin on the first day of August following their appointment, the appointment being for four years. The governor shall appoint one member for one year, one for two years, one for three years, and two for four years. Vacancies shall be filled by the governor for unexpired terms.

10. *Ques.* What shall be the duties of the board of trustees?

Ans. (1) This board shall have power to enforce all the rules and regulations

concerning the control and investment of the funds committed to its care.

(2) This board may sue and be sued and may summon witnesses.

(3) This board may exercise discretionary power in determining matters not specifically provided for by law.

(4) This board may require physical examinations but not more than two per year.

(5) This board shall serve without pay except for traveling and other necessary expenses.

(6) This board shall appoint an executive secretary who shall keep an accurate record of its proceedings and have care of all its books and records. The salary of this secretary shall be fixed by the board, subject to approval by the governor.

(7) This board shall provide for an actuarial investigation every two years for a period of ten years, and every four years thereafter, and make adjustments in assessments to be made by teachers as may be necessary to provide not less than three-sevenths of an annuity of \$960 per year to teachers having thirty-five or more years of teaching service.

11. *Ques.* In what ways are pensions exempt?

Ans. All the annuities granted and payable out of this fund shall be and are exempt from seizure or levy upon attachment, supplemental process, and all other process; and such annuities or any payment of the same shall not be subject to sale, assignment, or transfer by any beneficiary, and any such action would be absolutely void.

12. *Ques.* If any teacher, a member of the fund, leaves the service of the public schools, at what rate may he or she withdraw his funds?

| <i>Ans.</i> | <i>Years of Service</i> | <i>Per Cent</i> |
|-------------|-------------------------|-----------------|
| | After 1 year | 25 |
| | After 2 years | 35 |
| | After 3 years | 45 |
| | After 4 years | 55 |
| | After 5 years | 65 |
| | After 6 years | 75 |
| | After 7 years | 85 |
| | After 8 years | 90 |
| | After 9 years | 95 |
| | After 10 years | 100 |

13. *Ques.* If a teacher returns to the service of the public schools, how may he or she get back into the fund?

Ans. He or she shall pay into the fund within one year all that has been withdrawn.

14. *Ques.* What are the means of safeguarding this fund?

Ans. The board shall determine what part of the fund may be safely invested and how much shall be retained for immediate needs and demands of the fund. Such investments shall be made in interest-bearing securities of the United States, any possession of the United States, or any security issued by any state, township, or city of the United States.

All securities purchased shall be deposited with the board of trustees who shall collect the interest and income and deposit such in the fund.

Securities purchased shall not be delivered unless there be present the state treasurer or his deputy, the executive secretary, and one or more members of the board, and they shall count the securities upon delivery. Receipts signed by two or more members present shall be made out upon delivery.

If it is necessary to open any of the safety boxes or vaults for any purpose, they shall be opened only in the presence of the executive secretary and one or more members of the board appointed by the president by order of the board. All securities shall be counted at least once a year by two deputies of the state board of accounts or two field examiners, and the executive secretary, and one or more members of the board.

15. *Ques.* If an experienced teacher wishes to join the retirement fund, how may he or she claim benefits for years of service before becoming a member of the fund?

Ans. He would be required to pay as arrearages an amount equal to the amount which would have accumulated from his or her contributions with four per cent compound interest. This may be paid in cash the first year or in a series of installments according to the rules and regulations of the board of trustees of the fund.

16. *Ques.* If a teacher retires before he or she has paid all his arrearages, what benefits will he or she receive?

Ans. The annuity otherwise available will be reduced in the proportion which the unpaid amount bears to the then present value of such annuity.

17. *Ques.* May a teacher claim benefits for years of service in which he or she takes leave of absence for professional improvement or temporary disability?

Ans. Any teacher may be given a leave of absence not exceeding one year in seven and shall be regarded as a teacher and entitled to the benefits of this act, provided that during such absence he or she continues to pay into such fund the amount of assessment payable by such teacher as provided by this act.

18. *Ques.* Does a teacher receive credit for service for teaching he or she has done outside of the state of Indiana?

Ans. In computing the years of service as provided in this act, the board may include service as a public school teacher rendered outside of the state not, however, in excess of ten years for such outside service nor for more than one-fourth of the years of service claimed for retirement as a portion of the service necessary before any teacher shall be entitled to be paid any benefits under this act.

19. *Ques.* What happens if a teacher dies before he has received annuities equal to his contributions?

Ans. There shall be returned to the estate of the annuitant the difference between the amount paid such annuitant and the amount of the annuitant's contribution, including interest earned at four per cent compounded annually.

20. *Ques.* How may a teacher be assured that he or she will receive credit for any amount deducted from his or her salary by the township trustee or treasurer of a school city or town to go into the fund?

Ans. A receipt for each assessment so deducted shall be issued to each teacher making the contribution.

21. *Ques.* How are teachers safeguarded against the fact that the township trustee or treasurer of the school city or town may be dishonest?

Ans. Township trustees and treasurers of school cities and towns shall be liable upon their official bonds for failure to deduct, report, and pay over such assessments to the board of trustees of the fund to be recovered by said board by action at law in the name of the state on the relation of said board to be prosecuted by the attorney-general.

22. *Ques.* How old must a teacher be to receive a pension and how many years must he have taught?

Ans. Any person who shall have rendered forty years or more teaching service in the public schools of the state and has reached sixty years of age, who ceases to be in the employ of the public schools of the state for any cause, shall be entitled to an annuity of seven hundred dollars payable in four installments on the tenth day of January, April, July, and October.

23. *Ques.* What is the provision for teachers retired temporarily or permanently for disability?

Ans. A teacher may be retired on a benefit after he or she shall have served as such teacher according to the provisions of this act for a period of ten years or more. When a teacher is retired for disability,

this retirement shall continue only until this disability is relieved or removed, and the board may demand a medical examination at any time. No benefit for disability continuing for less than one-half of a school year shall be paid.

Disability benefits shall be at the rate of five hundred dollars per year. No benefit will be paid at a greater rate than five-eighths of the contract salary of the year in which the disability occurred.

24. *Ques.* What important changes does the Teachers' Retirement Act as amended in 1937¹⁴ make?

Ans. (1) The retirement age is reduced from forty years of service to thirty-five years of service. The age limit of sixty years is dropped under the amended law.

(2) The annuity is changed from \$700 to \$960. The higher annuity does not apply to teachers whose assessments have been paid under the law stipulating the former amount of annuity unless arrearages have been paid.

(3) A compulsory retirement at "the full age of sixty-six years" is included in the 1937 law.

¹⁴The amended law of 1937 is not in effect until after July 1, 1939.

XIII

Sources of School Regulations

1. *Ques.* What are the sources from which school regulations are drawn in Indiana?

Ans. There are many sources of school regulations.

(1) The Ordinance of 1787.

(2) The Federal Survey Act.

(3) The Federal Enabling Act.

(4) The Constitution of 1816.

(5) The Constitution of 1851.

(6) The Acts of the General Assembly.

(7) Rules and regulations passed by the state board of education.

(8) Rules and regulations passed by county boards of education, by trustees of town and city school corporations, and by school township trustees. In all such cases the rules and regulations made by these authorities must not contravene laws, rules, and regulations already promulgated by any of the preceding seven sources.

(9) Rulings on existing laws made by any Circuit Court, the Appellate Court, the State Supreme Court, and by Federal Courts in certain cases.

(10) Opinions of the attorney-general of the state.

(11) Interpretations made by the state superintendent of public instruction.

(12) The county superintendent of schools is also authorized by some school laws to exercise judicial powers with reference to school procedures outlined by these laws.

(13) Custom and precedent at times have the power of law.

2. *Ques.* What important principle is contained in (1), (2), and (3) above?

Ans. In these documents, the matter of the creation of a congressional school fund is guaranteed to the people of Indiana, and to practically all other northern states

west of the original colonies and to all western states. In addition to this, the first named document sets a high standard for education. Historically, this document gives what is really the first official recognition to public education.

3. *Ques.* What was the contribution of the first and second constitutions of Indiana?

Ans. Both constitutions recognize the efficacy of education in substantially the same terms as found in the Articles of Confederation. In the second place, the Constitution of 1851 sets up certain general safeguards for the common school fund and established the state superintendent of public instruction as the head of the state school system.

It is significant that only in recent years has the General Assembly been sensitive to the duty which Section 1 of Article 8 of the Constitution of Indiana imposes upon it in: "*it shall be the duty of the General Assembly to encourage, . . . and to provide, by law, for a general and uniform system of Common Schools, . . .*" The General Assembly has, in recent times, been rendering education more nearly uniform through state funds instead of relying on delegated powers of taxation to local school corporations.

4. *Ques.* What part do the Acts of the General Assembly play in the direction of the schools of the state?

Ans. The Acts of the General Assembly are, with the exception of the documents, laws, and constitutions, already cited, second in importance in the conduct of the schools. These acts furnish the detailed directions relating to procedures and administration of the schools. School law now fills a volume of about five hundred pages. It is understood that all such laws shall be in harmony with the sources already given.

5. *Ques.* What part does the state board of education have in school control?

Ans. From the Acts of 1865, the following quotation is drawn: "Said board, at its meeting, shall perform such duties as are prescribed by law, and may make and adopt such rules, by-laws, and regulations as may be necessary for its own govern-

ment, and for the complete carrying into effect the provisions of the next section of this act, and not in conflict with the laws of the state, and shall take cognizance of such questions as may arise in the practical administration of the school system not otherwise provided for, and duly consider, discuss, and determine the same."

Many of the laws passed since that date have delegated powers to the state board of education. Their rules, regulations, and interpretations are therefore of great importance.

6. *Ques.* In what ways may the courts be responsible as a source of school law?

Ans. The courts are not responsible for school law, but have the power to interpret school (as well as other) law and thus have great power as interpreters and in the determination of the constitutionality of laws. In recent years, many cases relating to the tenure law have been brought to the attention of the courts. In the light of the rulings which the courts make, the laws are to be enforced.

7. *Ques.* What powers do trustees and boards of school trustees and boards of education have?

Ans. These groups of officials have the power to direct the details of the schools under their charge in so far as the directions handed down by them do not conflict with the powers and regulations of any of the preceding sources.

Concerning the other sources, the following comments are offered. The opinions of the attorney-general respecting a law are not final, but in the case of the great majority of the opinions which this officer furnishes, there is no question raised as to their validity. The same thing is true of the interpretations of the state superintendent of public instruction and of the county superintendent. In most cases, the courts may still be appealed to with reference to the correctness of an opinion given by either of these authorities. Even in cases where decisions of either authority are presumed by law to be final, appeals to courts may be taken. Courts may refuse to reopen and to consider such cases, may find decisions unwarranted, or may remand to the lower courts such appealed cases for further consideration.

XIV

Court Decisions

Note: This section is devoted to brief presentations of court findings which relate to some of the more troublesome phases of the interpretation of school law. These cases are mainly those of the Supreme Court and the Appellate Court of Indiana.

DISMISSAL OF TENURE TEACHERS

1. *Ques.* Can a teacher be dismissed for any other reason than the reasons given in Section 2 of the Tenure Law?

Ans. (School City of Elwood et al vs. State ex rel Griffin et al, 203 Ind. 626, 1932) Where the statute specifically enumerates the causes for which a teacher may be removed or dismissed, the teacher cannot be removed or dismissed for any other cause.

2. *Ques.* Is a rule requiring retirement at seventy years of age a "good and just cause" for cancellation of tenure contracts?

Ans. (School City of Evansville vs. Culver, 94 Ind. App. 692, 1932) "We hold that a refusal to comply with the rule requiring retirement at the age of seventy years is not such other 'good and just cause' as would justify a cancellation of a teacher's indefinite contract, and further hold that such a rule is unreasonable, in that it indirectly attempts to establish a limit to the tenure of every teacher, and would not permit a permanent teacher, and would not contract to continue in effect for an indefinite period."

3. *Ques.* Can contracting officials cancel "tenure" contracts and still retain non-tenure teachers?

Ans. (Barnes vs. Mendenhall, 98 Ind. App. 229, 1932) There can be no doubt from the facts admitted that when the appellant's indefinite contract was cancelled by the appellees that there remained in said school city (Terre Haute) the same or other teaching positions not held by tenure teachers and held by non-tenure teachers, which said teaching positions the said tenure teacher (appellant) was licensed to fill. Under such circumstances can the indefinite contract of the appellant, whereby she became a permanent teacher, be can-

celled by the appellees, who assign as the reason that there is a "justifiable decrease in the number of teaching positions"? We think such a result cannot be legally accomplished.

RIGHTS OF TENURE TEACHERS

(State ex rel Dorothy Anderson vs. Henry Bland, trustee, Supreme Court of Indiana, Case No. 26560)

1. *Ques.* What effect does the repeal of the tenure law of 1927 have on the tenure rights of teachers in township schools?

Ans. The repeal of the statute, in so far as it affects townships and township schools, limits the restriction upon the school corporation so far as it affects the preferential or so-called tenure rights of teachers, and leaves the township officers free to renew teacher contracts or not as may be deemed expedient.

2. *Ques.* The question is, whether there is a vested right in a permanent teacher contract; whether, under the tenure law, there is a grant which cannot lawfully be impaired by a repeal of the statute.

Ans. The establishment and maintenance of public schools is a governmental function, jurisdiction over which vests in the General Assembly, whose power, subject to constitutional limitations, is plenary, and whose discretion is not reviewable. This legislative power is not exhausted by exercise, and schools may be continued or discontinued, and the school system changed, or one system substituted for another, as often as the legislature may deem it necessary or advisable in the public interest.

3. *Ques.* For whose benefit are the school laws enacted?

Ans. In establishing schools and enacting laws for their regulation, and in licensing teachers and providing for their tenure, the General Assembly acts for the benefit of the public and not for the benefit of the teacher.

4. *Ques.* Does the tenure law purport to give the teacher a definite and permanent contract?

Ans. The tenure law does not purport to give the teacher a definite and perma-

ment contract.

5. *Ques.* Was the purpose of the tenure law to benefit special groups of teachers?

Ans. If the purpose of the statute had been to grant special privileges to certain teachers for their own benefit, its constitutionality would be seriously in question. Justice Treanor dissented from the above decision.

Notes: The decision of the Supreme Court of Indiana as given above under No. 26560 was appealed to the Supreme Court of the United States. The latter handed down its decision on the case on January 31, 1938.

In reviewing the above case of the state ex rel Dorothy Anderson vs. Harry Bland, the Supreme Court of the United States reversed the decision of the Indiana Supreme Court. The following paragraphs are quoted from this decision of the Supreme Court of the United States.

"By Section 1 it is provided that the written effect for an indefinite period and shall be known as an indefinite contract. Such an indefinite contract is to remain in force unless succeeded by a new contract signed by both parties or cancelled as provided in Section 2. No more apt language could be employed to define a contractual relationship. By Section 2 it is enacted that such indefinite contracts may be cancelled by the school corporation only in the manner specified. The admissible grounds of cancellation, and the method by which the existence of such grounds shall be ascertained and made a matter of record, are carefully set out. Section 4 permits cancellation by the teacher only at certain times consistent with the convenient administration of the school system and imposes a sanction for violation of its requirements. Examination of the entire act convinces us that the teacher was by it assured of the possession of a binding and enforceable contract against school districts.

"Until its decision in the present case the Supreme Court of the State had uniformly held that the teachers' right to continued employment by virtue of the indefinite contract created pursuant to the act was contractual."

TRANSPORTATION

1. *Ques.* What factors are taken into

consideration in determining what is reasonable in transportation of children?

Ans. (Lyle vs. State, 172 Ind. 502, 1909) The health and protection of the children should in all cases be fundamentally considered. Their ages, sex, whether they must travel alone or in company, the character of the way, the facilities for rest and shelter while waiting for conveyances in inclement weather—all are factors. However, vehicles need not go to the home of each pupil, but pupils may be required to travel a reasonable distance to meet a vehicle.

2. *Ques.* Do the trustee and advisory board have the authority to contract for the furnishing of the bus and supplies?

Ans. (Boone vs. Carter, 98 Ind. App. 20, 1933) "If the trustee and the advisory board determine to transport the pupils of a community in vehicles other than those owned by the township, and there is no fraud or abuse of discretion, that determination is not reversible."

3. *Ques.* Can a trustee be compelled, by writ of mandamus, to furnish transportation for children of school age?

Ans. (State ex rel Fairchild et al vs. Anderson, trustee, 170 Ind. 540, 1908) "When the performance of the alleged duty requires the payment of money or the incurring of indebtedness by a public officer, facts must be averred which show that there is money which such officer has the right to apply to such payments, or that he is authorized to incur such indebtedness." In case the advisory board has not made an appropriation for the specific purpose of transportation, the trustee cannot be compelled to furnish transportation.

4. *Ques.* What are reasonable facilities for transportation of pupils to and from school?

Ans. (Lyle vs. State ex rel, 172 Ind. 502, 1909) Being a matter of administration, the whole subject must necessarily rest largely upon sound discretion of the trustee.

As a public officer, it is the duty of the trustee to furnish the children of the township, of school age, with reasonable facilities for attendance upon the public schools. It is just as plainly his duty to subject his township to no unnecessary or

unreasonable expense. If he can, by requiring the pupils to walk a reasonable distance to meet the conveyance, comfortably, safely, and timely transport all the children of the district in one conveyance, he should not subject his township to the expense of two wagons in performing the same service. It can hardly be doubted that the mirthful play of well clad children, in the open, in journeying over fences and fields and along highways for short distances, is more hygienic and in the end is better for the children than to transport them assembled in closed vehicles—sometimes too warm, sometimes too cold—for hours at a time in doubling the travel to the several homes.

The route established by the trustee was so planned that no pupil was required to walk more than five-eighths of one mile to reach the wagon. The Supreme Court ruled that five-eighths of a mile was not an unreasonable distance to require children to walk.

5. *Ques.* Is it the duty of township trustees to cause children to be taken from and returned to their several homes in comfortable conveyances provided for that purpose?

Ans. (Lyle vs. State ex rel, 172 Ind. 502, 1909) "It is the duty of the trustee as a public officer to furnish the children of his ownship of school age with reasonable facilities for attendance upon the public schools. It is just as plainly his duty to subject his township to no unnecessary or unreasonable expense. If he can, by requiring the pupils to walk a reasonable distance to meet the conveyance, comfortably, safely, and timely transport all of the children of the district in one conveyance, he should not subject his township to the expense of two wagons in performing the same service."

SCHOOL BUS CONTRACTS

1. *Ques.* What is the power of the advisory board acting in conjunction with the trustee in awarding school bus contracts?

Ans. (Lee vs. Browning, 96 Ind. App. 282, 1932) At a designated time and place after the bids have been advertised, the trustee and advisory board "shall open the bids submitted and shall award the

contracts to the lowest or best responsible bidder."

2. *Ques.* Can the trustee and advisory board be compelled by mandamus to let the contract to the lowest bidder because he furnished a good bond?

Ans. (Lee vs. Browning, 96 Ind. App. 282, 1932) A contract does not necessarily have to be awarded a bidder because a good bond is furnished.

3. *Ques.* What recourse have the patrons if the power exercised is not what the public thought best?

Ans. (Lee vs. Browning, 96 Ind. App. 282, 1932) Where a power has been delegated to a body which requires the exercise of discretion or judgment, in the absence of an abuse of that discretion amounting to fraud, courts cannot interfere.

If the judgment exercised is not what the voters of the township think it should be, they have their remedy in the ballot, but they do not have a remedy in injunction or mandamus which would only substitute the judgment of the court for the judgment of the body created by statute for that purpose.

VACCINATION

1. *Ques.* Can boards of health require children to be vaccinated for smallpox or remain away from school?

Ans. (Vonnegut vs. Baun, 206 Ind. 172, 1934) It is clear from all of the statutes on the subject that the legislature intended to delegate to boards of health ample power to protect and safeguard the health of the community and invest in them authority to determine what reasonable steps are necessary to that end.

2. *Ques.* Can school officials exclude a pupil from school solely because of his refusal to be vaccinated, when such officials have been ordered not to permit any unvaccinated pupil to attend the school, such order being the order of the local board of health, based upon an order issued by the state board of health under a general health statute?

Ans. (Blue vs. Beach, 155 Ind. 121, 1900) "The exclusion of appellant's sons was not in the order of a penalty, neither can the rule or order in question be considered as compelling his vaccination. It was only a prerequisite to his attendance at school

during the period of danger." Pupils may therefore be excluded from school in the event of the refusal of the parent to permit vaccination.

CONTRACTS

1. *Ques.* Can contracting officials delegate their authority to make a contract?

Ans. (Hall vs. Delphi—Deer Creek Twp. School Corp., 98 Ind. App. 409, 1934) We recognize that the school officials cannot delegate their authority to make a contract.

2. *Ques.* What is the meaning of: "This contract may be terminated by the board of trustees at any time for good cause"?

Ans. (School City of Crawfordsville vs. Montgomery, 99 Ind. App. 526, 1933) The "good cause" which the contract provided was ground for termination of the contract, was such cause as the board, when acting in good faith and upon sufficient evidence, shall find "good" or sufficient to call for termination of the contract. The contract authorized the school board, and no one else, to determine when there was sufficient cause to terminate the contract.

CONTRACT OF ARCHITECT

1. *Ques.* Do the minutes and proceedings of the advisory board and trustee, acting in their dual capacity, constitute a valid express contract of employment upon which one can recover for his services rendered thereunder?

Ans. (Barringer vs. Gilford School Twp., 100 Ind. App. 445, 1935) "We hold that the project contemplated in the proceedings of the advisory board in the instant case was clearly authorized by law, and that the contract of employment of appellant was sufficiently definite and certain to constitute an express contract with the covenant to pay the reasonable value of the services rendered within a reasonable time."

TRANSFER

1. *Ques.* Can a trustee be compelled by mandamus to transfer children if the advisory board has not appropriated any money for the transfer?

Ans. (State ex rel Fairchild et al vs. Anderson, trustee, 170 Ind. 540, 1908) When the performance of the alleged duty of the trustee requires the payment of money or the incurring of indebtedness by a public officer, facts must be averred

which show that there is money which such officer has the right to apply to such payment, or that he is authorized to incur such indebtedness.

COUNTY SUPERINTENDENT

1. *Ques.* Are the functions performed by the county superintendent of schools the political and civil functions of the county or the administrative functions of the state?

Ans. (Osborn vs. Eddington, 208 Ind. 160, 1935) The county superintendent of schools does not perform any political functions for the county as a unit of civil government; his powers and duties relate entirely to the administration of our public school system, which is a function of state government.

BUILDINGS

1. *Ques.* Can the patrons by a petition compel the township trustee and advisory board to build a building and maintain a high school?

Ans. (Gushwa Trustee vs. State et rel, Oster, 206 Ind. 237, 1934) The law states that if one-third of the parents, guardians, or heads of families having children enumerated for school purposes in the township petition the trustee for a building, the trustee must build the building. "Upon the facts so found, the court concluded that the law is with the appellees, and the defendant should take the necessary steps to establish and maintain a high school in the township."

2. *Ques.* Can the patrons by petition compel the township trustee and advisory board to construct a high school building requiring a greater expenditure of funds than is permissible under the two per cent bonding law?

Ans. (McDonald vs. State ex rel, 202 Ind. 409, 1931) A writ of mandamus will not issue to compel a township advisory board to authorize a bond issue for the building of a school house greater than is needed and not within the township's financial ability to construct.

ATTENDANCE

1. *Ques.* Can the doctrine of "contributory negligence" be used against a child less than sixteen years old in defeating a claim for compensation?

Ans. (Waverly Co. vs. Beck, 180 Ind.

523, 1913) "The doctrine of contributory negligence cannot be employed to defeat the claim of a child injured in a service prohibited by statute."

2. *Ques.* Who must attend school in Indiana?

Ans. (State vs. O'Dell, 187 Ind. 84, 1916) "The law requires that all children between the ages of seven and fourteen, inclusive, who are physically and mentally qualified, shall attend one of the schools described in the statute and that all such children who are over the age of fourteen and not more than sixteen, and are not lawfully employed in a gainful occupation, shall attend such a school."

3. *Ques.* Why does the state take control

of the child, under certain circumstances, at a certain period of his life?

Ans. (Alden vs. White, 32 Ind. App. 665, 1904) Its purpose is "to secure to the child the opportunity to acquire an education," which the welfare of the child and the best interests of society demand. The result to be obtained and not the manner of obtaining it was the goal which the lawmakers were attempting to reach. The law was made for the parent who does not educate his child, and not for the parent who employs a teacher and pays him out of his private purse and so places within the reach of the child the opportunity and means of acquiring an education equal to that obtainable in the public schools of the state.

Around The Reading Table

BEDELL, EARL L., and ERNEST G. GARDNER. *Household Mechanics*. International Textbook Company, Scranton, Pennsylvania, 1937. 130 pp.

Household Mechanics by Bedell and Gardner is one of the most recent and certainly one of the best books that has been published in this field. Instructions for performing more than one hundred practical jobs around the home are presented in the form of instruction sheets. These jobs are grouped under the following nine headings: (1) the care of plumbing fixtures; (2) the care of doors and windows; (3) electric appliances in the modern home; (4) metal working; (5) woodworking; (6) wood finishing; (7) the care of tools; (8) using rope and twine; (9) using concrete, mortar, and plaster.

Among the outstanding features of this book should be listed the following: (1) the jobs have been very carefully selected; (2) instructions for each job are carefully given and well illustrated; (3) the book is written in the language of the pupils who are to use it; (4) the instructions at the end of the instruction sheet for each job assist the pupil in his appraisal of his work; (5) all necessary related information is included in each instruction sheet.

This book has been prepared especially for use in junior high school industrial arts, although it should be valuable in any course where home mechanics is taught as a part of a general shop program.

The contents are based upon the work of the authors in the Detroit public schools where home mechanics has formed an important part of the course in the junior high school. The authors have indeed made a valuable contribution to the literature in the industrial arts field.

—Sylvan A. Yager

Indiana State Teachers College

RACE HENRIETTA V. *Psychology of Learning Through Experience*. Ginn and Company, Boston, Massachusetts, 1938. 337 pp.

The aim of this book, as stated by the author, is to present an integrated treatment of psychology, philosophy, and methods of teaching. The chapter headings closely parallel those found in standard texts in educational psychology. The author strives for simplicity of treatment.

This book contains considerable valuable material in the form of excerpts from stenographic reports of lessons and other illustrative material. The emphasis on learning through activities is commendable.

On the other hand little can be said by way of endorsement of the psychological material included. The treatment of the nervous system and the neural basis of learning is over-simplified and consequently misleading in some particulars. The author's theory of learning would be unacceptable to many psychologists. Also there is unfortunate confusion in the explanation and illustration of certain factors and processes in learning. Generally speaking the various chapters are somewhat sketchy and incomplete.

As a text for a course in any of the three fields considered, this book is inadequate. For an integrating course near the end of the teacher-education curriculum a much more thorough book would be needed, if indeed any one adequate book could be written.

—E. L. Welborn

Indiana State Teachers College

HOLLY, CHARLES ELMER. *High School Teachers' Methods*. The Garrard Press, Champaign, Illinois, 1937. 514 pp.

In general, there are two ways to write a textbook in methods of teaching. The better way, in the opinion of the reviewer, is to build the content around a few large principles that run through all teaching. The other, and older, way is to have many chapters, each devoted to a particular phase of the teacher's work. Professor Holley has chosen the latter method. His book has twenty-seven chapters, and their titles, such as "The Assignment," "Questioning," and "The Review," suggest the "job" nature of the treatment, with perhaps too much emphasis on the "recitation" concept of teaching.

With such a large number of chapters it is obvious that the average length of the chapters cannot be sufficient to treat some topics as thoroughly as desirable. On the other hand, however, much of the material is in outline form, so more content can be crowded into a few pages than otherwise. The content is very worthy on the whole.

At the end of each chapter is a short list of references. All of the references are to textbooks, although much of the best literature on any of the topics is in periodicals. Also at the ends of the chapters are lists of review questions and exercises, but these, as in most textbooks in education, are inconsequential and probably just for the purpose of creating a "pedagogical" effect. The same may be said for the pre-

test questions at the beginnings of the chapters.

Professor Holley has a very readable style, a virtue lacking in many writers in education. The outline of the author is evident at all times, and this further facilitates reading with ease and understanding.

—J. R. Shannon

Indiana State Teachers College

LASALLE, DOROTHY. *Physical Education for the Classroom Teacher*. A. S. Barnes and Company, New York, 1937. 209 pp.

The author in her summary states that "The test of the worth of any subject is its power to enrich life, its ability to contribute to man's needs, and its potentialities for advancing the common good." The child needs activity and he needs release from the strain of present day life. But teachers of children, whose educational preparation has been limited largely to the academic field, find themselves inadequately prepared in the field of motor skills. The classroom teacher has frequently been neglected in the area of the education that works through physical activities to educational ends. From her years of experience as supervisor of elementary physical education, the author has prepared a valuable handbook for the classroom teacher.

Very practical suggestions are given on class organization and management of equipment, on the teaching of skills, on the analysis of games, and on the dance. Specific grade objectives are listed and may serve as a guide to help classroom teachers to do better work in teaching the whole child. In a later chapter, definite subject matter is listed which will help the child to move toward each desired objective. Since leadership is one of our major problems, a very interesting chapter is included on developing leaders.

At the end of the book is a fairly comprehensive bibliography covering both theory and subject matter.

—Mary Fread

Indiana State Teachers College

HOCKETT, JOHN A., and E. W. JACOBSEN. *Modern Practices in the Elementary School*. Ginn and Company, Boston, Massachusetts, 1938. 314 pp.

Rarely does one have the experience, upon examining a new book on education, of realizing, suddenly, that this is just the book for which one has been looking. But *Modern Practices in the Elementary School*, published in 1938 by Ginn and Company, gives one just that thrill.

It would seem that the authors have, in one burst of inspiration, put the whole case of the modern elementary school be-

fore the waiting million of teachers; and this, not a shoddy, superficial glance, but a sincere, comprehensive, well-substantiated educational document.

The authors of this remarkable book, J. A. Hockett, from the department of education, University of California, and E. W. Jacobsen, superintendent of schools, Oakland, California, have succeeded in clarifying some of the most perplexing of today's educational problems. Of these, some that deserve special mention for their excellent treatment are: "Organizing the Class for Living and Learning," "Developing a Unit of Work," "Making the Most of the Environment," "Utilizing Children's Latent Creative Abilities," "Making Discipline Educative," and "Meeting the Needs of Unusual Children." These problems arose in summer-session, extension, and university classes conducted by the authors. Outlines of the book and some of the chapters were submitted to teachers for reactions and suggestions. Some of the completed chapters were criticized by teachers, principals, and supervisors.

The result of this careful preparation, coupled with an unusual understanding of the principles underlying the modern school, is a book that deserves an important place in the roster of educational books for 1938. It should be read by all teachers—whether in training or in service.

—Fay Griffith

Indiana State Teachers College

CUFF, NOEL B. *Child Psychology*. Standard Printing Company, Louisville, Kentucky, 1937. 299 pp.

The author has used the judgment of teachers of child psychology and students who have completed the course for the selection of the units to be included. The fifteen units make up the fifteen chapters in the text. The treatment is brief, interesting, and well organized. At the end of every chapter is a set of questions and an objective test covering the unit. Also a carefully selected list of references is included.

This text would be improved with more tables and figures to supplement the rather brief treatment. It would seem also that the extent of treatment and the importance attached to the various units are quite uniform. More emphasis upon such units as the development of the emotional life, the origin and growth of character and personality traits, and mental hygiene would strengthen the book. However, for a short course, the text should make a very good guide.

—E. L. Abell

Indiana State Teachers College

7, f
s
e-
f-
n
t-
v-
o-
e-
d.
re
er
he
ut-
ai-
as
he
n-
ld
rt
od